Human Rights Situation During the Agitation Before and After Promulgation of the Constitution of Nepal

Monitoring Report

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Summary

After and before the promulgation of the constitution of Nepal through the Constituent Assembly, there have been agitations from various political parties and groups putting forward various demands including demarcation of the boundaries of the federal states. National Human Rights Commission has been closely monitoring these agitations. This brief report has been made public on the basis of the monitoring from the Commission. It has been found that such agitations have resulted from the lack of timely implementation of the agreements between the government and various parties and groups. Due to the agitation, there have been lots of obstructions in the enjoyment of multiple human rights of the citizens, individuals and communities.

Various political parties, professional organizations, various national and international organizations working in the field of human rights and humanitarian assistance are found to have expressed their concern at the movement's not being peaceful. During the period of agitation, 49 people have lost their lives and minimum 729 citizens have been injured. Security forces have been found to have used excessive force and due to the weapons used by the agitators same sorts of incidences and loss have been found to have happened. Killing of 18 months old infant and 4 years old child is a serious and greatly sorrowful act. There have been incidences of beating and abusing within the police stations against those arrested during the agitation.

Due to the long hours of curfew, declaration of violence zone and prohibition order and indefinite period long continual strike called by the agitators'; citizens' and professionals' not only the right to assemble peacefully but also the freedom to movement, profession, occupation and establish and run industries, trade and business have been badly affected. Individual houses and hotels were vandalized during the time and area of curfew. According to the data published by Nepal Chamber of Commerce Nepal has a loss of ten kharab rupees which shows that not only the Nepalese people's civil and political rights but also the economic rights have been immensely affected. In certain areas of agitation people's rights to information, communication, publication and broadcasting have been badly affected. Right to expression has not been accessible. Because of the provocative expressions from certain leaders of the agitating
parties not only environment of fear was created but also the social harmony was disturbed and feeling of hatred was aroused through the comments on the social networking that followed those expressions. However, social harmony could not be disturbed due to the tolerance and friendly behavior of the citizens practiced for centuries.

During the agitation vehicles of various media houses have been vandalized, set ablaze and broadcasting of different FM stations and publication of newspapers was obstructed. From the Commission monitoring, it has been found that both security forces and agitating parties had caused obstruction in the regular activities of the reporters and media. During this period, even the human rights of the human rights activists fell at risk. The staffs of the National Human Rights Commission deployed in Jumla for monitoring were attacked by the agitators and they were beaten up and abused in Janakpur. Minimum 18 of the reporters and 10 human rights activists were found to have been directly affected during the time of reporting and monitoring of the agitation. One of the reporters was even shot. Reporters have said that they have been under self censorship due to the pressure from both sides.

During this period even the right to education has been badly affected. Until the preparation of this report, according to the press statement issued by UNICEF, schools had functioned only for 5 days out of 122 in Parsa district and minimum 16 hundred thousand students were deprived from their rights to education. Teachers' active participation in the agitation has been found responsible from the monitoring of the commission. Children have not only been deprived from their rights to education but 6 of the school going children and even children below school going age have been killed during this period. Rights of the pregnant women, senior citizens, disables have been badly affected too. The situation of not getting even medicine and food has been created due the ongoing agitation. There has been lack of even medicine in hospitals.

Due to the Joint Democratic Madhesi Front's program of boarder blockade, import and export of both sides was obstructed and the consumer's human rights was also severely affected due to the unavailability of the daily goods. Not only the Nepalese people but also the workers working in the Indian cargo vehicles were worried about losing their job. In lack of consumer goods, festivals celebrated in Nepal were affected. Serious humanitarian crisis was
created due to black market, price hiking and artificial shortage of goods. Commission's monitoring and investigation activities were also affected due to the lack of fuel. Human rights of the daily wage earners was severely affected. Due to the lack of easy passage of the goods even imported from third countries through the check points expect those closed by the agitating parties, the act was also called unannounced embargo.

In the above mentioned context, the commission together with monitoring, drew attention and gave instructions to the government and the agitating parties to make their programs peaceful, not to use excessive force and torture but to solve the problems through dialogue. There have been meetings and discussions ranging from the Prime Minister to regional administrator, chief district officer, district level security chiefs and the agitation parties. After the meetings and discussions, the public are immediately informed through press statements and the victims are rescued as well. In spite of all these efforts of the commission, from the beginning of the movement to the time of the preparations of this report; there is found to have been direct effect in the enjoyment of the right to life, right to freedom and security, right to peaceful assembly, right against abuse and inhuman behavior. From this right to education, health, children's rights, cultural rights of the communities and the consumers' human rights have been severely affected. It has been too late to be honest in dialogue and discussions and solve the problems paying attention to the basic values of the human rights.
Chapter -I

Introductory

1.1 Background

There was the election of the Constituent Assembly for the first time in Nepal on 11 April, 2008, after the end of the armed conflict. This Constituent Assembly was dissolved on 28 May, 2013, when it failed to promulgate constitution through the Constituent Assembly. Due to the disagreement among the political parties on the issues including demarcation of boundaries of the federal states, the constitution could not be promulgated within the allocated time by the Constituent Assembly formed from after the election. However, the political parties' efforts to promulgate constitution continued. In this context, in May, 2015, there was a 16 point agreement among Nepali Congress, CPN (UML), United CPN (Maoist) and Madhesi Janaadhikar Forum (Lokatantrik) regarding the promulgation of the Constitution. After this agreement, in order to take suggestions from the public, on 8 July, 2015 the draft of the Constitution was publicized from the Constituent Assembly. In the draft, 8 states were purposed and the state boundaries were planned to be decided through the Federal Commission.

Voices were raised in the support and opposition when the preliminary draft of the Constitution was released. Madhesh centered parties were against the draft and obstructed or bypassed the suggestion collection program whereas the government tried to defend it. In the suspicion of causing disturbance in the collection of suggestions, those who carried different opinions, were not allowed easy access to the collection centers. Meanwhile, the Supreme Court ordered to promulgate the Constitution with state boundaries. After the political pressure and order from the Supreme Court, main political parties' agreement to promulgate the constitution with 6 states was made public. After that decision, opposition and demonstrations began against the Surkhet's being put in the Far Western part. Demonstrations were held in Jumla, Mugu, Humla, Dolpa and Kalikot demanding to make Karnali an autonomous State and in the districts including Rukum, Baglung, Nawalparasi there were demonstrations expressing dissatisfaction to the breaking of the districts. After that the main political parties,
addressing the agitations held in Karnali and Surkhet, decided to make 7 states in place of 6.

In the context of formation of Constitution, Joint Democratic Madhesi Front aliened Sanghiya Samajbadi Forum Nepal, Tarai Madhesh Lokatantrik Party, Sadbhawana Party and Terai Madhesh Party as well as 11 political parties affiliated to Sanghiya Samabeshi Front and Tharuwan/Tharuhat decided to intensify their protest regarding the issues such as state boundaries, proportional inclusive participation, number of electoral based on population and citizenship. Those fronts called for indefinite period long general strike and blockade from 17 July, 2015. The agitators continued their activities complaining that in the purposed constitution, there were no provisions as agreed with the government.

Using the Local Administration Act 2028, Government decided to mobilize even Nepal Army in some districts in the order of local administration. Even then protection of life of the Nepalese citizens and protection of various aspects of human rights continued to be a challenge. In this context, based on its guideline, the National Human Rights Commission, monitored the overall situation of human rights in 29 districts mentioned in annex 1. This report has been prepared on the basis of the same monitoring.

1.2 Guideline

The Article 132 of the Interim Constitution of Nepal, 2007 and the Article 249 of the Constitution of Nepal (hereafter the Constitution of Nepal 2015) has delegated responsibility to the Commission to assure the respect, promotion and protection and effective implementation of the human rights. Similarly, the Section 4 (1) (f) of the National Human Rights Commission Act, 2068 has provisioned the working guideline as to review the contemporary human rights situation and publicize the reported on it, hence,

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1 Nepal government had had 22 points agreement with Madheshi Janaadhikar Forum on 30 August, 2008, 8 points agreement with Joint Democratic Madheshi Front on 28 February, 2008, 6 points agreement with Sanghiya Limbuwan Parishad on 18 March, 2008 and 2 points agreement on 16 November 2011, 20 points agreement with Nepal Aadibasi Janajati Mahasang and Aadibasi Janajati Samyukata Sangharsha Samiti on 7 August, 2007 and 6 points agreement with Aadibasi Tharu Samudaya and Nepal Aadibasi Janajati Mahasanga representatives
following the same guideline, after reviewing the present condition of the human rights, this report has been publicized.

1.3 Objective of the Report

The main objective of this report is to make the facts obtained from monitoring of the agitation that took place in mountains, hills and tarai-madhesh area and various hilly districts of the country during the Constitution making process public; make the concerned and stakeholders responsible and help the victims receive justice. To publicize the facts obtained from monitoring to the general public and to aware the stakeholders work towards not letting incidences of the violation of human rights happen, if incase they have happened, is also the objective of the report.

1.4 Report Preparation Methodology

The Commission had mobilized the monitoring teams regularly to the districts of agitation through its central, regional and sub-regional offices before this report was prepared. High level monitoring teams were sent to 14 of the districts in the leadership of the Members of the Commission. The high level monitoring teams had been present in these districts and gathered information with verification from all organizing parties of the strikes and blockade, Regional Administrators, Chief District Officers, Nepal Army and concerned officials of the Nepal Police and Armed Police Force, human rights activists, health workers, journalists, civil society, reporters, victims, victim families and general public. In the central level, meetings and discussions were held with the Prime Minister of the government of Nepal, high level government Officials, police chiefs and the leaders of the various agitating parties. In depth study of the facts collected from the field monitoring and discussions was done.

After the field based monitoring, the commission had sent letters regarding the loss to the government of Nepal and to the secretariat of the Front leading the Tarai-madhesh agitation. These letters and their replies are attached herewith in annex 4. In order to prepare this report, report writing and edition team formed by the commission, studied the agreements between the government of Nepal and agitating parties, press statements issued by the commission and all monitoring reports; hence after, this brief report has been prepared and made public.
1.5 Limitation of the Report

In this report the condition of human rights from July, 2015 to October, 2015 has been presented trend wise briefly. In this report, only the details obtained through monitoring have been presented.
Chapter - II
Concerns of Various Sectors Regarding the Agitation

Concerns and worries are expressed from various sectors regarding the agitations demanding boundaries of the federal states, proportional inclusive participation, number of electoral on the basis of population, right to citizenship; and their impacts on the general public's human rights. In this section concerns and worries expressed from some sectors are briefly presented.

2.1 The Government of Nepal

Some decisions are found to have been made by the government of Nepal regarding loss of lives and properties due to the agitation held in relation to the formation of Constitution\(^2\). On 14 August, 2015 the government of Nepal decided to provide the financial support of 10 hundred thousand to the nearest relatives of the deceased and bear all the treatment cost of those injured in the incidences that occurred during the agitations; on the issues that included state boundaries, held in Surkhet. Showing serious concern over the incidence that took place in Kailali Tikapur on 24 August, 2015 in which the officials and some police constables of the Nepal Armed Police and one infant had been murdered in the attack from some violent, anarchic groups; with the decision of 25 August, 2015, the government of Nepal formed a committee to investigate this incident. As the agitations, regarding the state boundaries in the purposed Constitution; held especially in the Tarai-Madhesh became anarchic and violent, all political parties, communities and all those concerned including women, Madhesi, dalit, indigenous, Muslim, backward communities, minorities were appealed to participate in the Constitution making process and put forward their demands peacefully keeping in view the wider benefit of the nation and the people. The government, making another decision on 18 September, 2015, announced to provide financial support; as mentioned in annex 3, to the families of the deceased during the agitation.

\(^2\) For detailed information see www.opmcm.gov.np/np/decisions
On various dates, Ministry of Home has also issued statements regarding the agitation\(^3\). The Ministry is found to have said that the police had to administer tear gas, lathi-charge and even blank fire to keep the situation under control as the agitation demanding undivided mid-western became violent in Surkhet and Jumla\(^4\). The Ministry of Home requested dissatisfied parties to put forward their demands peacefully as provisioned in the Constitution\(^5\). It has stated that as there is provision to get their demands addressed peacefully, they should take the same path\(^6\); after the agitation has been violent, in accordance to the legal provision, assistance of the Nepal Army has been taken\(^7\); even when the security agencies maintained highest level of patience in order to avoid the situation of human rights violation by exciting the agitators, if in case, situation occurs government will be compelled to use force\(^8\); since some time, in the mid-tarai, in the leadership of Joint Madheshi Front there have been cruel and violent activities shameful to humanity such as torturing the security forces deployed to maintain peace and security; and ill-treating their families and even killing by spraying petrol\(^9\). The ministry is found to have issued statements requesting not to do such activities.

Except issuing statements, the government is found to have called and attempted for dialogue with the agitating parties time and again. The then Prime Minister, Sushil Koirala had even sent a letter to the agitating parties for dialogue. The government had formed a 3 member dialogue committee in the leadership of Mahesh Acharya, the Minister of Forest. Except it, even after the promulgation of the Constitution, the government has already filed an amendment proposal on Constitution in the Parliament on the issues including electoral on the basis of population. The agitating parties did not sit for dialogue for a long time saying that there was no environment for it. The present government has again formed a dialogue committee in the leadership of Deputy Prime Minister and Foreign Minister, Mr. Kamal Thapa. Although the committee has attempted

\(^3\) For detailed information see www.moha.gov.np/uploads/newsFiles
\(^4\) Press release issued by the Ministry of Home on 10 August, 2015
\(^5\) Press release issued by the Ministry of Home on 16 August, 2015
\(^6\) Press release issued by the Ministry of Home on 22 August, 2015
\(^7\) Press release issued by the Ministry of Home on 28 August, 2015
\(^8\) Press release issued by the Ministry of Home on 1 September, 2015
\(^9\) Press release issued by the Ministry of Home on 11 September, 2015
to begin dialogue, the agitating parties have not attended the dialogue demanding the clear concept of the government on the boundaries of the federal states, recognition to those killed during the agitation as martyrs, compensation to the injured and removal of the prohibition and vandalized area.

From the above mentioned activities, despite appealing to the agitating parties to organize their programs peacefully as they have become violent going off the legal ways; and solve their problems peacefully, the government seem to threaten to use force if the agitation is not peaceful.

2.2 National Human Rights Commission

The Commission has closely monitored the agitations organized after and before the promulgation of the Constitution by various political parties and groups putting forward different demands including the change in the boundaries of the Federal States. The Commission sees the peaceful demonstrations as the important aspect of the use of human rights. The concept of the Commission is that the citizens’ rights are to be obtained easily through the peaceful agitations. The Commission has always appealed the agitating parties to make their programs of agitation peaceful. It has been instructing the security forces not to use unnecessary and excessive force against the peaceful demonstration. Through press statements, the Commission has appealed the agitating parties, chiefs of the security forces and high level government officials now and again to solve problems through dialogues. The central level leaders of the agitating parties, high level officials of the government of Nepal and security officials were instructed to make the agitation fully peaceful and not to use any force in any context and pretext. The agitating parties were requested not to violet other people's rights while conducting their programs of agitation for their rights. Opinions (press statements) issued publicly in the written form are attached herewith in annex 4.

2.3 Major Political Parties

Reactions from various sectors on agitations held in the context of the formation of Constitution were publicized. Mainly the communal and regional political parties and groups supported the agitation. The major political parties did not express formal
agreement to the movement. Their concept that the problem should 
be solved through the medium of dialogue was made public time 
and again. On 1 September, 2015, Nepali Congress central 
committee meeting expressed sorrow on the violent incidences 
including those in Tikapur, Kailali. The same meeting publicized 
it's view that going out of the Constituent Assembly would not help 
on the aspects related to the Constitution so things should have been 
discussed within the Constituent Assembly and solved through 
discussion and process. Nepali Congress has appealed to stop the 
vviolent activities taking place in various parts of the country and 
find solution to the problems through dialogue\textsuperscript{10}. Nepal Communist 
Party (UML) had been giving its view that the solution of the 
demands related to the Constitution making process could be found 
through the Constituent Assembly. It has claimed that almost all the 
demands of the agitating parties have been fulfilled after the 
promulgation of the Constitution from the Constituent Assembly on 
19 September, 2015 and remaining demands could be fulfilled 
through dialogue. United CPN (Maoist) is found to have released a 
press statement stating that even when the historical responsibility 
of Constitution making was reaching the last phase, feelings of 
certain communities could not have been included and those logical 
concerns should have been addressed. It has expressed concerns on 
the incidents that took place in areas including Tikapur of Kailali 
district. It is found to have requested the agitating parties, general 
public, political parties and civil society to solve the problems 
maintaining peace, harmony and unity in the society\textsuperscript{11}.

\section*{2.4 Professional Organizations}

Nepal Bar Association has mentioned that its attention has been 
drawn by the incidents of violence during the demonstrations, 
blockade and strikes in various places and their reaching up to the 
level of murder and terror in the context of the Nepalese People's 
desire to get Federal, Democratic, Republican Constitution through 
Constituent Assembly being realized. It has strongly demanded all 
political parties, citizens and communities to put forward their 
demands through related agency or their representatives and adopt

\textsuperscript{10} For detail information see, www.nepalicongress.org/index.php?linkId=62

\textsuperscript{11} For detail information see 
ucpnmaoist.org/nepali/Pages.aspx?page=press-release
peaceful ways to get them fulfilled. Federation of Nepalese Journalist has made special request to both state and the agitating parties to find solution to the political problems regarding the constitution immediately by conducting decisive dialogue with flexibility. It has drawn attention of the concerned parties towards the obstruction faced by the media during the time of strike called by the political parties, setting fire to the newspapers and causing disturbance in their distribution. It has requested to stop threatening to the journalists and not to hinder freedom to press and expression. On 25 August, 2015, the federation also drew attention to solve the political agendas politically at the moment of reaching the last stage of constitution making process. Releasing the report on the journalists' being unsafe from both agitating parties and security forces; Media Mission Team assigned by the Federation, is found to have requested to stop such activities immediately.

Nepal Engineers Association has expressed its concern on the violent incidences happened in the last stage of the institutionalization of the democratic republic through the Constituent Assembly achieved from Nepalese people's great sacrifice. The association has mentioned that though dissatisfied political parties and various stakeholders hold right to protest peacefully in democratic way, due to the anarchic situation arisen in some places, in the condition of being involved massively in the process of reconstruction of the loss caused by the mega-earthquake of 25 April, 2015 and rehabilitation, the construction work has been nearly stopped due to the programs of strike and blockade. The association is found to have urged the concerned political parties and other stakeholders to utilize the opportunity of the country's getting new Constitution after long wait, maintain the social harmony and reach to the agreement through dialogue.

Nepal Chamber of Commerce has stated that they are deeply concerned by the programs of strikes and blockade organized in the context when all political parties, classes, communities, professionals and business communities should have worked

12 For detail information see www.nepalbar.org/pressrelease/press-release.jpg
13 For detail information see www.fnjnepal.org/media/?cat=3&paged=3
14 For detail information see www.neanepal.org.np
towards bringing out the Constitution as soon as possible. Now and again, the Chamber has urged all the concerned parties to withdraw the programs of strike and save the country from further deterioration, to guarantee the people's right to livelihood and solve all kinds of disagreements through dialogue. When the programs of strike continued even after the Chamber's appeal to withdraw, the Chamber drew attention towards changing the form of agitation. The Chamber executive members have submitted the letter of memorandum meeting the leaders of the agitating parties. Except it, on 2 October, 2015 Nepal Udhyog Parisangh and Nepal Chamber of Commerce including the Federation drew attention of the government, tarai centered all political parties and other stakeholders as the life seemed to be very frightening in the lack of most basic goods such as gas and fuel due to strikes15.

2.5 Organizations Working in the Field of Human Rights

Informal Sector Service Centre (INSEC) has drawn attention to solve the problems appeared in the process of Constitution making. INSEC is found to have appealed to the agitating parties to pay attention towards the use of weapons in the agitations and it has stated that there is no solution of any problems through violence. Stating that it is the right of the agitators to demonstrate peacefully, it has requested the state and the agitating parities to find solutions through peaceful dialogue instead of the use of violence16. Issuing a press statement, Network of Terai Human Rights Protection Network has requested the agitating parties not to repeat the violence and criminal acts. Claiming that the use of force against the Local Administration Act has been found, it has requested not to do so. It has drawn attention towards starting meaningful dialogue with the agitating parties immediately to stop the condition of the nations' being fallen in the serious conflict due to the Constitution making process, and in the statement it has also mentioned that the daily life of the people has been uneasy and the terror of mobilizing army has spread due to the programs of agitation such as Madhesh banda, mass meetings, demonstrations jointly called by

15 For detail information see http://www.fncci.org/mailing/show.php?offset=0&j=2&a=1
16 For detail information see www.inseconline.org/index.php?type=pressrelease&lang=np&id=655
Madheshi Front and Tharuhat Front demanding their rights in the Constitution and the use of excessive force, continuously enforced curfew and prohibition order\textsuperscript{17}. In the press statement issued after the incidence of Kailali Tikapur the Lawyers’ Group Related to Nepal Indigenous People has urged the government and the concerned agencies to stop mobilizing army immediately and find solution to the problem peacefully. It is found to have drawn attention to start meaningful dialogue in order to stop the country's being led to critical condition due to the Constitution making process and it is found to have requested to promulgate Constitution from agreement, naming the Federal States based on the identity, fixed boundaries, secularism, inclusive democracy, human rights, fully proportional representation based on population and with the rights of indigenous groups, janajati, madhesi and dalit\textsuperscript{18}. Private School Organization and Parents’ Association are found to have opposed the use of children in the agitation and deprivation of the children from education due to the agitation. In this regard, PABSON and NPABSON had submitted a letter to the National Human Rights Commission to draw attention.

From the above mentioned statements and information, various organizations working in the field of human rights, seem to hold opinion that solution to the problem should have been found peacefully through dialogue.

2.6 European Union

There was an obstruction in the export and import of goods due to the picketing and demonstration of Joint Democratic Madheshi Front in the Nepal India boarder and highways. After that, concern was expressed by the chiefs of Nepal based mission of the European nations by issuing a joint statement. As the life of the people in extreme poverty living in places including taria has been highly affected due to the disturbance in the import and distribution of most necessary consumer goods, in the statement, it is requested

\textsuperscript{17} For detail information see
www.taraihumanrights.org/publication.php?alId=6

\textsuperscript{18} For detail information see
http://www.lahurnip.org/userfiles/Press%20Release.jpg
to be responsible for the solution of the problem. Press statement of the European Union is attached herewith in annex 5.

2.7 United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA)

After the situation resulted from the agitation especially the disturbance in the fuel supply and distribution, news about the expression of concern by the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) publicized\(^\text{19}\). UNOCHA has mentioned that there has been problem even in humanitarian assistance activities due to crisis in fuel supply, and even the humanitarian assistance to the earthquake victims has been affected. It has also mentioned that there has been disturbance in the supply goods of required for the livelihood during the winter season due to the lack of fuel from the beginning of Mid-September, as a result of which 80 thousand families are needed to be supplied with food and shelter. The news about this is attached herewith in annex 6.

2.8 UNICEF

In the context of showing concern on the impact of agitation, United Nations institution working in the field of children, UNICEF also has been found to express its concern. Issuing a statement after the beginning of agitation, on 15 September, 2015, from the death of one infant of 18 months in Kailali, two children of 13 and 18 years in the clash in Dhanusha and getting lost of one 12 years old child in Danusha, UNICEF has mentioned that there has not been the realization of children are the zone of peace. UNICEF has urged all concerned to actualize the children are zone of peace campaign even committed by Nepal\(^\text{20}\). Similarly, on 29 October, 2015, issuing another statement, it has expressed serious concern on the fate of hundreds of thousands of Nepalese children, especially those living in the tarai and the mid-eastern districts which were


highly impacted by the earthquake that occurred in the beginning of this year, children have been more seriously affected by the present situation and there has been serious impact on their access to education. In only 9 districts of mid and inner tara and inner madhesh, due to the closure of the schools in last 2 months more than 16 hundred thousand children have been deprived from regular teaching learning at schools. UNICEF is found to have mentioned that in the last 6 months, schools in Parsa district have functioned for only 5 days out of 122. Stating that from the experience of other countries, when children do not go to school for a long time there is high risk of the children's and ultimately leaving the school for ever; UNICEF is found to have mentioned whatever the situation, reason or background is, all children have their own rights so the adults do not have right to violet them. The statement issued by UNICEF is attached herewith is annex 7.
Chapter-3
Facts Obtained From Monitoring

3.1 State of Violation of Human Rights and Abuse

Due to the agitations held in various parts of the country including tarai madhesh in order to have their demands addressed in the constitution which was to be promulgated from the Constituent Assembly, there has obviously been difficulty in the enjoyment of the various civil rights. General public's right to livelihood was highly affected due to the continuation of the indefinite period long Madhesh banda called by Joint Democratic Madhesh Front from 18 August, 2015. Citizen's enjoyment of multiple human rights was found to have been affected as a result of the agitation held in Karnali, Surkhet, Kailali and tarai madhesh; and Baglung, Ilam and Dhankuta districts of eastern Nepal with the demand regarding naming and boundaries of the Federal States. The main rights affected during this period are listed as follows:

a) Right to Life

Every individual's right to live in dignity was mentioned in the Article 12(1) of the Interim Constitution of Nepal, 2007. The same provision is also maintained in the Constitution of Nepal, 2072. In the Section 1 of General Code, 2020, killing anybody, or getting anybody killed or conspiring to kill are prohibited. Article 6 of the Convention on Civil and Political Rights, 1966 has also guaranteed the right to life on any condition.

Despite all those above mentioned conditions, there could not be full protection of right to life during this agitation. In the Constitution making process 49 Nepalese citizens from Saptari, Dhanusha, Mahotari, Rautahat, Bara, Parsa, Nawalparasi, Rhipandhei, Banke, Bardiya, Surkhet, Jumla and Kailali (included in annex 2 of this report) had lost their right to life. Among them 32 were killed from the side of security forces and 9 were killed by the agitators. Though not accepted, 5 were killed in the context of agitation and other 3 lost their right to life in the same context. In most of the incidences, those who were killed had been shot in the chest, head and above the knees. In the bodies of those killed by the agitators injuries from the domestic weapons in parts including
head were found and in Mohotari, the agitators had killed an injured taking out of an ambulance while being taken to hospital. In Rupandehi, one had lost right to life due to the cause of being beaten up by anti-agitation group in the course of being taken to hospital in an ambulance.

There is considerable number of those who have been injured due to the use of force from the side of the security force and the use of stone and other domestic weapons during the agitation. According to the information obtained from the Ministry of Home, 348 on the side of Nepal Police, 216 on the side of armed police force and 165 general public are found to have been injured during this time. The detail of the injured demanded from the main front of the agitators - Joint Democratic Madheshi Front, was not made available until the time of the preparation of this report.

b) Right to Freedom and Security

The Article 12 of the Interim Constitution of Nepal, 2007 has guaranteed the Nepalese citizens, except defined by law, no cease of individual's freedom to profession, occupation, industry or trade and movement and settlement to any part of Nepal. The same freedom has been guaranteed by the Article 17 of the Constitution of Nepal, 2015. In this Constitution freedom of the establishment and running of industry has been added. Section 6 of the Civil Rights Act, 2012 has guaranteed right to assemble peacefully without weapon, move within the territory of Nepal without any hindrance, settle in any part of Nepal, gain property and use or sell it and run any profession, occupation, industry or business. The Article 9 of the Convention on Civil and Political Rights, 1966, every citizen's having right to freedom is found to have been mentioned.

In this context, in the early stage of the agitation begun in various parts of the country including tarai-madhesh, there were fewer incidences that violated the rights of the citizens. Due to the situation of having no dialogue between the government and agitating parties from central to district level, protection of the citizen's right to freedom and security became a challenge. In various districts, using Local Administration Act, 2028, the government declared violent area, enforced curfew and gave
prohibition order and did not let run the program of agitation. As a result, places where the agitating parties had been running programs continually were also affected. The government arrested even the innocent citizens walking on the road in the suspicion of being an agitator. In Biratnagar, some got injured when the police entered the hotel where the agitating party carders were having meal and abused them. In the districts like Morag, Sunsari, Bara, Parsa, agitating parties were also found to have threatened to some special communities to leave the place of their settlement. The statement issued by the agitators is attached herewith in annex 8. In Biratnagar attempts were found to have been made to fire Rani police by spraying petrol. From such incidence, the citizen's rights to freedom and security fell at risk.

Due to the blockade not only the Nepalese people but also the Indian labors' right to employment was also affected. Laborers working in the vehicles that entered India through Jogbani checkpoint had appealed the commission team for help as they had to stop their vehicle in Nepal due to the strike.

Not only the government but also the agitators themselves tried to stop each other from entrance claiming it to be their area. Such scene was seen in far-western area between the agitators demanding undivided far-western and the group demanding Tharuhat. General public's rights to movement all over the country without any obstruction, right to profession, occupation, industry and business were directly affected. Agitators threw petrol bomb on the industries. The Nepal Chamber of Commerce, drawing the attention of the government, has stated that because of the closure of the industries and business not only those located in the area of agitation but also the entire nation, there has been a loss of 10 Kharab Rupees, security threat is growing in industries and industrial estates and if the industry and business cannot be run even from now the economy of Nepal can fall in serious crisis any time\(^1\). In the scarcity of fuel due to the strike, the closure rate of industries and factories located in the Sunsari-Morang, Pathalaiya-Birganja, Butwal-Bhairahawa and Kohalpur-Nepalganja industrial corridor has been growing. From this, the employment of the

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\(^1\) [http://www.fncci.org/mailing/show.php](http://www.fncci.org/mailing/show.php)
workers working in these industries is sure to fall at risk, the economy of the entire nation can broken down, there can be negative impact on the inter relation between the business and human rights and from this profession, occupation, freedom and occupation is sure to fall at risk.

Freedom of movement of the public has been fully affected because of the obstruction caused in the local transportation by the agitators. In hundreds of public or private transportations, there has been firing, vandalizing and throwing of stones by the agitators which has deprived the public from their freedom to safe travel. There was obstruction in the use of multiple rights because of the concentration of the programs of the agitating parties in the checkpoints lying on the Nepal India boarder after the decision made on 2 October, 2015 by the Joint Democratic Madhesi Front. People's freedom to profession, employment, industry and business has been dilapidated because of the obstruction caused in the import and export of goods through Nepal India boarder by the agitators and the Indian side for the same reason.

Commission had to interfere in the decision of the agitating parties not go give house in rent to the security forces and their families in the districts of tarai madhesh including Bara and Saptari. Complaint of arousing fear among the people from the mountain came to the Commission when the agitators delivered speeches in Morang demanding the people from the mountain to return if they did not participate in the agitation. Due to the communal accusations from both security forces deployed in the field and the agitators while demonstrating, which was against the central level policy, there was creation of fearful environment causing obstruction in the use of right to freedom and security.

c) Right to Assemble Peacefully

The Sub-Article (2) (b) of the Article 12 of the Interim Constitution of Nepal, 2007 had granted freedom to assemble peacefully without weapons. The same provision has been granted by the Sub-Article 2(kha) of the Article 17 of the Constitution of Nepal, 2015. In the Section 6 (2) of the Civil Rights Act, 2012, freedom to assemble peacefully and conduct mass meeting is granted. The Article 21 of the Convention on Civil and Political Rights, 1966 also has granted
this right. In this regard, agitations demanding inclusion of their rights in the Constitution were being held peacefully. Then the government had not prohibited the freedom to assemble peacefully in those agitations.

But after the preliminary draft of the Constitution presented for suggestions, right to assemble peacefully could not be fully observed. In the agitation held in Kathmandu demanding Nepal, a Hindu Kingdom and the agitation by the dalit community for guarantee of their rights in the Constitution, agitators were injured due to the use of force by the police. On several occasions, such incidences were found to have happened when the agitators entered into the prohibition areas. Enforcement of the order of prohibition and curfew began with the vandalizing and arson of individual property, government and public offices as well as the offices of the political parties in Surkhet and Jumla. After the murder of the Senior Superintendent of Police using the domestic weapons like spears, axe etc. in the agitation of Kailali, Tikapur on 24 August, 2015; using the Local Administration Act, 2028, in most of the agitated districts, the government enforced the order of prohibition and announced as violent area and implemented curfew. In Surkhet and Birgunj, right to freedom and security were additionally impacted as a result of not having the notice of curfew circulated in time. From the monitoring of the Commission, in the process of maintaining security through enforcement of law and order, police is found to have used more than necessary force which is evidenced from the death of those who were killed and the injuries of the wounded and the marks of the bullet around the area of incidence. When marks of the bullet in various parts of the body, houses, shops, shutters and electricity poles are examined, in certain incidences use of excessive force from the side of the security force is found to have been proved. The agitators and security forces are found to have been injured in the clashes while trying to break the order of prohibition, curfew or violent area. The tear gas used by the police in Bara and Parsa districts was found to have been date expired.

On the other hand, the agitators were infuriated claiming that the government had violated their right to protest peacefully by enforcing curfew in unnecessary places too. Agitators actively broke the order of prohibition, vandalized area and curfew. As a
result there were clashes in various places. During the clashes, the security forces used the weapons including bullet. Right to assemble peacefully was affected when the agitators used the domestic weapons like lathi, stones, spears, petrol bomb and other inflammable things during their agitation. From this, there was a great loss in the property of the government, the political parties and personal property together with the end of the citizen's right to life.

The meeting of the Joint Madheshi Front held in Rajbiraj on 24 September, 2015 decided to make the agitation more aggressive. After their decision to close the highway and Nepal India checkpoints, there were demonstrations in no man's land area in Nepal India boarder in Birgunj and there was closure of movement. Eating food cooked in Indian land, they closed the transportation of both sides. From this condition, security in the Nepal India boarder became worrisome.

From these some of the representative incidences, the agitators are found unable to fulfill their responsibility towards the right to assemble peacefully. Similarly, the government is also found to have failed to maintain easy environment for the enjoyment of this right.

d) Right to Freedom of Expression

The Article 18 of the Interim Constitution of Nepal, 2007 had granted right to publication, broadcasting and press. The Article 19 of the Constitution of Nepal, 2015 has granted the right to communication. This article has provisioned not to enforce prior ban to news, editorial, articles, writings or any reading, listening or audio-visual materials to be through any medium including electronic publication, broadcasting and printing. The Section 6(1) of the Citizen's Right Act, 2012 has granted the Nepali citizens' right to the freedom of speech and publication being under the system of law. Article 19 (2) of the Convention on Civil and Political Rights, 1966 has also mentioned the same kind of rights on communication, broadcasting, press and publication.

However, in this agitation, both agitators and security forces are not found to have been able to fully follow and fulfill the responsibility to the above mentioned provision. In the name of freedom to
expressions, agitators are found to have provoked the general public to come to the protest carrying weapons stating that up to 5 million would be provided if anyone died. Some leaders of some political parties are found to have made bitter expressions or issuing public statements which could disturb the social harmony between the people from the tarai and the mountain; however, the people of these reasons, not being moved by these expressions at all, have maintained the social harmony. Due to such expressions of the leaders, people have not been fully conformed about their safety.

Nepal Journalist Mahashangh is found to have noted that because of such expressions of some individuals in the leadership, there was inconvenience in the movement of the journalists and distribution system of media in the agitation areas. Agitators have claimed that such situation has emerged due to the partiality in the publication and broadcasting of the news through the national level broadcasting. Due to the expressions and behavior of some limited number of people, in the social networking (facebook, twitter etc.) there had been violation of social harmony and spreading of social hatred towards each other. In the districts including Dhanusha and Mahotari, broadcasting of certain private TV channels had been banned by the agitators. In Siraha district, Kantipur Daily was banned by the agitators. After the blockade of the Nepal-India border by the agitators, stating that the obstruction in the import and export was caused by India, the wrong practice of banning Hindi TV channels in the areas including Kathmandu and Nepali channels in Madhash was done. But government immediately issued order not to do so. Because of the obstruction in the import and export of consumer goods, there was shortage of supplies including paper required for the publication of newspaper, publication of daily news papers published from Biratnagar and other local news papers was halted. Newspapers in the process of publication and the vehicles carrying them were burnt down in some places.

Regional office of Avenues Television located in Birgunj was vandalized by the agitators. Federation of Nepalese Journalists

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22 www.fnjnepal.org; Brief report of the Media Mission of the Federation of Nepalese Journalists
opposed it through press statement regarding this issue\textsuperscript{23}. The Federation issued statement against the vandalizing of its building located in Birgunj, on 21 September, 2015. On 1 October, 2015, press statement was once again issued by the Federation mentioning that fire had been set in the media active for information and communication, vandalizing of transportation of media, 9 incidences of setting fire to the Federation buildings located in various districts. Federation has mentioned that nearly one dozen FM stations have been closed and publication and distribution of newspapers has been halted and some of the journalists have been displaced from their workplace due to the agitation. Right to information, communication, press and publication could not be enjoyed due to the attacks on the reporters and news media by security forces and agitators, threatening of physical attacks, obstructing and setting fire to the vehicles by agitators in various parts of the country.

e) Right against Torture, Inhuman and Degrading Treatment

The Article 26 of the Interim Constitution of Nepal, 2007 had ascertained that no physical or mental torture would be given or there would not be cruel, inhuman or degrading treatment to anyone in the custody. Article 22 of the Constitution of Nepal, 2015 also has clearly stated that anyone who is arrested or in captivity will not be given any physical or mental torture or there would not be any torturous, inhuman or degrading treatment towards the captive. The same provision is maintained in the Article 7 of the Convention on Civil and Political Rights, 1966; and various Articles of the Convention against Torture, 1984. However, some individuals arrested in the process of agitation had complained of being insulted and been treated inhumanly by the police. From the monitoring of the Commission some people arrested in the accusation of being agitators were found to have been beaten by the police in area police station of Lahan, Siraha; and police are also found to have been injured form stones etc. thrown at the police by the agitators.

In Biratnagar, Dainiyani, Govindapur, Rani of Morang district also police are found to have beaten, insulted and done inhuman behavior to the public. Complaints of entering into the public

\textsuperscript{23} http://www.fnjnepal.org/media/?cat=3,
houses and beating were received by the Commission. Nepal Police and agitators are found to have shown insulting behavior to the reporters while collecting news and human rights activists. In Jumla, Dhanusha, Jhapa and Saptari agitators were found to have abused human rights activists and in the districts including Morang there had been insulting and inhuman behavior to the same. A case had been filed in the Commission against a Nepal Police staff for insulting and inhuman behavior through social networking against a former minister.

f) Right to Fair Trail

Article 24 of the Interim Constitution of Nepal, 2007 had provisioned the right to justice. The same provision has been maintained in article 20 of the Constitution of Nepal promulgated in 2015. Article 20, sub-article 9 of the Constitution has mentioned the right to fair trail to each individual through free, impartial and capable courts or judicial bodies. The same provision has been maintained in the Article of the Civil and Political Rights, 1966.

From the monitoring conducted by the Commission during the agitation, some individuals accused of being involved in the incidence of Kailali, Tikapur, are found to have been arrested and the legal process of punishment against them forwarded. In Kalali incidence, Nepal Police has filed a case against 36 individuals claiming to have been involved but run away and in Kailali District Court, a murder case is found to have been filed against 22. However, those who have been arrested have argued that as the incidences have happened due to political reason they should be treated likewise. They have complained of having the case filed being prejudiced.

In Bara district, police arrested Jitendra Sonal, the General Secretary and Nabal Kishor Singh, the president of Tarai Madhesh Democratic Party in accusation of vandalizing and setting fire to a parked truck that belonged to Saurav Enterprise and kept into police office in Simara for 10 days and from 24 August, 2015 they were kept in custody of district police office Kalaiya. They claimed of being abused in Simara police office. Some agitating student leaders of Morang district were arrested in charge of being involved of vandalizing police vehicle and kept in custody. The agitators
complained not receiving treatment of the injured in time whereas police claimed that they had been given primary treatment and will be taken again for further treatment. Those 3 who were arrested were said to have medical report of drinking alcohol.

From the monitoring of the Commission, from the side of police, no act that would be against the right to justice was found. Complaints of the arrested agitators are found to be against the political instead of legal process.

g) Right of the Human Rights Defenders

In 1998, United Nations’ Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms was issued. It is called the Human Rights Protection Guidelines. National Human Rights Commission has also issued the Human Rights Defenders’ Guideline in 2068. In these guideline responsibilities and protection of the human rights defenders are mentioned.

Human rights defenders have important role in every area where the enjoyment of human rights is at risk. Condition of human rights is truly demonstrated from the strong presence of the human rights activists. Similarly, human rights defenders had important role in various agitations that took place in the nation. It had also helped in the demonstration of the true condition of the human rights. Unlike in the past, the presence of the human rights workers was not found significant in the agitations held regarding naming and boundaries of the Federal States in the new Constitution. Moreover, human rights activists monitoring in the field were found to have been compelled to work being in favor or against the demands of the agitating parties instead of being in line to the values and norms of human rights. Because of this, human rights activists’ rights could not be fully safe during this movement. Federation of Nepalese Journalist has mentioned that during the agitation on the issue of Constitution, there has been physical violence on 21 journalists and among them 1 was even shot by bullet, and 19 were abused\(^24\). The Federation has stated that the reporters have been under self

\(^{24}\) http://www.fjnepal.org/media/?cat=3
censorship due to the pressure from both sides. It is found to have requested to pay attention towards the situation of the local reporters falling at risk in certain situations because of not paying attention towards local concern and sensitivity while broadcasting through the national media. Regarding the abuse on monitoring team of the Commission and human rights defenders in Jumla and Dhanusha; expressing sorrow on the incidence, the agitating parties have requested for effective monitoring.

Monitoring of the Commission has found that human rights activists who have been in the front line of the human rights protection and the journalist have suffered from both sides. Pratik Shrestha of Avenues Television located in Biratnagar, Himal Khadka of Himalaya Television, Brahmadev Yadav of Nepali Patra weekly, Adbadhesha Kumar Jha -reporter or Kantipur daily and Shyamsundar Sutihar of Crime Operation daily were abused from the side of the police. Agitators attacked and abused Nabin Karna of Makalū TV and Jitendra Thakur of Ujyalo daily. They threw stones at the Commission vehicle at Mahabir Chok in Biratnagar. Groups against agitation threatened the Commission and the group of human rights defenders located in Biratnagar. In Dhanusha including Ajit Kumar Thakur -staff of the National Human Rights Commission Janakpur and local human rights activists Birendra Karna, Nagendra Saha, Rajkumar Mahaseth and Devkumar Mahato were beaten by police. In Surkhet, reporter Aaisingh Rokamgar got injured from the bullet fired by the police. In Kailali, human rights activist Khadgaraj Joshi was threatened by the agitators.

In Jumla agitators attacked and abused Rajendra Ghimire, the chief of National Human Rights Commission Jumla and Krishna Narayan Shrestha while visiting Karnali Academy of Health and Science in order to see the condition of injured in firing. In Jhapa, reporter Krishna Humagain was beaten by the agitators. There was publicity of the attempts to attack bureau chief Raju Shrestha and reporter Jayalal Saha of Avenues TV located in Birgunj. Birgunj FM had suspended its broadcasting from 5:00 am to 2:00 pm on 22 September 2015 stating that they had been abused and threatened by the agitators. Regarding the news published on 2 October, 2015 issue of Kantipur Daily a Tharuhat/Tharuwan related person had threatened through the social networking that Kamal Pantih, the Bardiya reporter of the Kantipur Daily should have been burnt
down taking to Chuaraha. The local administration took action against him. In Bara district, Federation of Nepalese Journalists Bara secretary Jayanarayan Yadav, treasurer Bhaiyaram Saha and executive member Shankar Mishra were abused. In Sursari district headquarter, one former president of Tharu Kalyankari Sabha gave public expression stating that the human rights activists would be kicked out. The human rights activists of Sihara complained of the agitators' indirectly threatening against the human rights defenders. In Saptari, human rights activist Jangabahadur Singh was beaten by the agitators at reaching Bharadaha to get information about the incident. The agitators abused reporters Naresh Sarraf, R.K. Patel, Ram Sarraf, Nehal Khan and Ajit Bhujel at reaching Narayani Regional Hospital Birgunj.

h) Right to Education


However, most children from the districts of agitation were fully deprived from their right to education. Most students studying in the schools located in the agitation affected districts have been deprived from their right to education due to the strike. For instance schools are found to have been opened for only 5 days out of 122 in Parsa District. According to UNICEF, study of more than 16 hundred thousand students was affected by the agitation. Even in the areas where schools have partially functioned, teachers are found to have been active in the agitation. Among the agitated districts including Ilam, Dhankuta, Siraha, Mahotari, Bara, Rupandehi, Baglung, Danga, schools were found to have been functioned informally. In Danga, Chief District Officer was found to have instructed to close the partially functioning schools stating

that the poor condition of security. Most schools were found to have been closed during the agitation period.

There were mostly private schools in the areas where schools were partially functioning. In Sihara District, complaints were made of the schools of that area's not functioning due to the community school teachers' involvement in the agitation. Due to the closure of the schools, in some districts, children were found to have been involved in agitation because of which there had been risk incidences on the children. During the agitation, one school bus was found to have been burnt down in Siraha District. In Bara District, despite the agreement to run schools till 10:00 am, due to the condition of security and stoppage in the movement of vehicles, it seemed challenging to implement that decision. In the context of the students of the agitated districts' being deprived from education and the regular functioning of the schools from other districts of the nation, the students of these areas seem to fall behind in all kinds of competitions in the future. In order to ensure the youth and children's right to education, agitators and government seem to require to think seriously and reach to the conclusion in time.

i) Child Rights

In the districts including Jumla, Baglung, Dhanusha, Mahotari, Parsa, Kailali instead of sending the students to school to for education, agitators were found to have used the children to the programs of protest. In Jumla children were compelled to take part in agitation making the upper part of the body naked and wearing glasses in the eyes; they were used in human chain program in Baglung, Dhanusha, Mahotari and in demonstration in Parsa and Kailali districts. During the agitation, children were found to have been arrested and kept in custody in the districts including Surkhet, Kailali and Morang. Six children were killed during the agitation. Among them one 4yrs of age and other was of 18 months old infant. In Janakpur 15 year old child was seriously injured. Commitment to "Children are Zone of Peace" was fully violated. The above mentioned facts show that the condition of Children's rights could not be satisfactory.
j) Right to Health

The Article 16 of the Interim Constitution of Nepal, 2007 had provisioned the right to health. The Article 35 of the Constitution of Nepal, 2015 has mentioned the rights of every citizen to receive free of cost basic health service and emergency health service form the state. Right to receive highest standard physical and mental health service has been ensured by the Article 12 of the International Convention in Economic Social and Cultural Rights.

However, during the agitation, health treatment of Nepalese people and foreign nationals’ residing in Nepal was also affected. Sick people could not reach up to the health centers due to the closure of the means of transportation during the early stage of agitation. Treatment of specially senior citizens, people with disabilities and pregnant women became challenging. There was difficulty in the supply of medicine and other basic needs due to the agitation. There was lack of basic medicine in Saptari district. In lack of oxygen gas services including surgeries were affected. It was publicized from the main hospitals of the nation that there had been difficulty in feeding the admitted patients due to the lack of fuel. During this period government health centers were comparatively more affected than others.

Condition of the patients' being terrorized was created when police entered the hospital premise in Parsa and Rupandehi. One of the doctors was injured when there was firing within the Birgunj Hospital premise. There was problem in the treatment of the patients when the doctors were not provided with pass in time during the curfew hours. When India did not send supplies for a long time stating that there was insecurity due to the general strike and agitation in the border, in the districts including Morang and Parsa, there was shortage of Lyasis injection which is highly necessary in the treatment of kidney, Avil which is also highly necessary in the treatment of the patients who have reaction from the same group blood given to them receiving from others, FML eye drops, Ocuvin and Nesporin which are used for the treatment of eyes, Thombophomb ointment used if in case there is swelling when a patient is injected, Trovet-200 and Oliza-5mg which are highly necessary in the treatment of mentally sick, Medrol-16 used
to stop chronic allergy, highly required injection named Vacuron used in making the patient unconscious during surgery.

**k) Consumers' Rights**

Rice, corn, beaten rice, wheat, flour, lentil, salt, sugar, tea, edible oil, ghee, milk, vegetables, meat, fruit, species, medicines, soap, kerosene, diesel, petrol, air fuel, fertilizer and firewood are the basic needs of the consumers\(^{26}\). Consumers have right not only to be safe, be informed and to select but also to be heard, compensated and to receive consumer education\(^{27}\). Public services also fall under the consumer rights. These rights are also addressed by the General Comment No. 12 of the Article 11 of the International Convention on Economic, Social and Cultural Rights, 1966 and Article 12 and 13 of the United Nation Guidelines on Protection of Consumers Rights, 1999.

However, these rights of the consumers could not be respected by those who conducted programs of agitations for establishing their rights in the Constitution. Agitators were not found to announce their program of indefinite and continuous closure giving sufficient notice prior to the program. Due to the agitation and it's not being addressed in time; consumer's right to buy consumer goods by choosing was not respected. Compensation was never a subject of discussion. With the announcement of closure not only the agitated districts were affected, human rights of the consumers of the whole nation was affected. Consumers could not use their rights easily even during their traditional cultural festivals. Due to the closure, consumers fell victim of dearness, black market and artificial shortage. Human right of the daily wage earner was unimaginably disturbed. The government was not found to make the monitoring effective even in such situation.

After Joint Democratic Madheshi Front centralized the agitation on main roads and Nepal-India border area from 25 September, 2015, the main entry points of consumer goods were blockade. India's causing obstruction in the import export of consumer goods through


\(^{27}\) Ibid, Annex 1
Nepal-India border showing the reason of security was also publicized unannounced embargo. When there was obstruction in the export and import of goods even through the checkpoints where the presence and programs of the agitating parties were not being held, general public reacted as having the hand of neighboring country in the agitation. The same sort of reaction was publicized on the Media as well. The good purchased even from the third countries could not get easy access towards Nepal.

In lack of fuel due to the agitation, means of transportation used throughout the country and foreign air services were also affected. There has been shortage of basic needs such as medicine, salt, gas etc. due to the blockade in Nepal-India border. Consumers are being the victim of black market and price hike. Even though, recently, the other checkpoints except Jamunia of Birgunj in Nepal-India border have been rather loose, there is no sign of the consumers being relieved and enjoying their rights. The consumer goods are found not being imported because of the agitators staying in the forbidden no man's land fixing up the tents and cooking and eating food in the Indian land. Reactions are being publicized that India has enforced unannounced embargo against Nepal as a result of having the import and export of things affected due to the use of Indian land by the agitators during agitation. Therefore, in order to maintain goodwill in the relation between the two countries and to protect the human right of the consumers, the agitators need to be serious. As the agitators themselves are the consumers, both Nepal government and the agitators have to be serious and respect the consumers' rights. Obstruction in the enjoyment of legal administration and public services should be immediately removed.

I) Cultural Rights

The Article 23 of the Interim Constitution of Nepal, 2007 had provisioned the fundamental right to every individual to adopt religion practiced from the ancient time keeping the social and cultural tradition in view. The Article 32 (2) of the Constitution of Nepal, 2015 has guaranteed the fundamental right to all individuals and communities to participate in their communities' cultural life. Article 15 of International Convention on Economic, Social and Cultural Rights, 1966 has guaranteed the right to participate in the cultural life of the community to every individual. In this context,
since the agitation was begun, the major festivals such as Rakshabandhan, Gaura Parva, Kushe Aunsi, Teej, Bishwakarma Puja, Jitiya Parva, Bakar Eid (Idul Joha) and Dashian which are celebrated by Nepalese communities with enthusiasm have fallen during this period. Regarding these festivals the agitating parties were not found to have been serious about the communities' cultural right to enjoy their rights. Among the agitating parties, especially Joint Democratic Madhshi Front was not found to have taken back the announced program to let people celebrate these festivals freely. From such activities, there was obstruction in the general publics' enjoyment of cultural right.

3.2 Impact on the Enjoyment of Human Rights

From the regular monitoring of the Commission, on the basis of the facts obtained, the following impact was seen in the enjoyment of human rights:

- Due to the agitating Madheshi Front's Nepal-India boarder centered agitation and the fuel shortage resulted from problem in import and export through the check points between Nepal and India, even the regular monitoring of the Commission was impacted.

- Due to the agitating parties running their agitation programs in Nepal entry checkpoints in the boarder, since 25 September, 2015, there was obstruction in the import and export showing the security challenge. In lack of basic needs including medicine, food and fuel and the Nepalese citizens' as well as the foreigner's right to live their daily life freely was directly impacted.

- The agitators' were found to centralize their program of boarder blockade in the no man's land area of Nepal-India boarder and in Raksaul checkpoint, the protesters protesting in Nepal were found to eat food cooked in Indian land and the involvement of Indian citizens in the agitation was found.

- Due to the indefinite period long closure and the curfew enforced by the local administration continuously for a long period, general public's were found to have spent their daily life in horror.
Human rights activists who had to monitor the condition of human rights during the time of agitation and the journalists faced threats from both agitators and security agencies. Monitors were found to have been humiliated and abused by both police and agitators.

There was violation of individual's right to freedom of movement from one place to another due to the indefinite period long closure. From this, the sick ones who had to go to hospital for treatment were also found to have been impacted.

During the agitation, due to the use of expressions and behaviors that may disturb the social harmony by the anti-agitators and some security forces on duty, need of being serious towards maintaining social harmony was found.

Because of the centralization of security agencies from rural areas to headquarters or regional offices due to security reasons, social security was found to have been a challenge with the growth in the incidences of social crimes in the low presence of security forces.

The government's permission to the local administration to mobilize army; after the murder of even Senior Superintendent of Police by the agitators in Kailali, was found to have created psychological terror among the public living in the army mobilized districts.

In the situation of both parties' not being responsible towards leading the agitation to conclusion through dialogue, and in the context of no dialogue between the government and agitators, from central to district level, continual obstruction in the general public's enjoyment of rights was found.

Lack of smartness in the work of the security force was found due to the psychological reasons related to their being on duty for more hours than fixed, lack of timely supply of food and drinking water, inability to use toilet or take rest when tired, insufficiency of security shield to block stones etc. thrown by the agitators, lack of training and other things that had to be done for them.

Due to the strike held on the parts of the East West Highway, there was no situation for public transportation to be moved
during the day hours, so they were found to have been run during the night under the skirting of the security forces. Clashes were found to have occurred between the security forces and agitators in various places and even the drivers were found to have been injured as the agitators obstructed the road by felling trees, throwing stones and using *guleli* (a handmade projectile) even during the night.

- Due to the indefinite strike, the celebrating the festivals such as Rakshya Bandhan, Shreekrishna Janmastami, Gaura Parba, Kushe Aunshi—the Father's Day, Teej, Bishwakarma Puja, Jitiya Parba, Bakar Eid (Idu Joha) and Dashain; which are celebrated according to their tradition by the citizen's living in the taria as well, was found to have been directly impacted.
Chapter-4
Role of the National Human Rights Commission
Nepal

The NHRC had begun its work of monitoring and discussions with stakeholders immediately realizing human rights of citizens got into risk due to the agitation programs organized in relation to the Constitution making process in various districts of Terai Madhesh, Hilly and Mountain regions. The Commission had drawn attention of the concerned parties as per necessity by collecting facts about human rights situation in such context. It has issued press statements at various times in order to draw attention of the concerned parties for protection of human rights. The press statements issued by the Commission have been attached herewith in Annex 3. The main activities conducted by the Commission during this period have been mentioned briefly in this chapter.

4.1 Field Monitoring and Investigation

The Commission had initiated the monitoring activities from the beginning of the agitation programs organized in various parts of the country. The NHRC monitoring teams were present in all the districts affected by the agitation within the time. In 14 of these districts high level teams in the leadership of Commission members were deployed to monitor the situation realizing the possible incidents during the protest. Other districts were monitored by the teams led by NHRC Officers. The Commission has drawn attention of the Government of Nepal and the agitating parties time and again for not to disrupt social harmony by ensuring respect and protection of human rights. Despite the limitation of resources, the Commission has conducted monitoring activities in 28 districts including those in Kathmandu Valley that are affected by the agitation. During the monitoring, the monitoring team coordinated the concerned stakeholders and discussion programs were held with them.

On the basis of the primary facts collected during monitoring, the Commission has already started investigation on the incidents of killings due to excessive use of force by the security agencies and inhuman abuses of the agitators.
4.2. Drawing of Attention/Direction

The Commission has been drawing attention of the Government of Nepal and the agitators since the beginning of agitation in order to prevent the incidents of human rights violation from either side. In relation to this, attention of Joint Democratic Madheshi Front and Tharuwan Leaders has been drawn to be sincere towards the human rights of each individual. Similarly, direction has been issued to the Home Administration and chiefs of the security agencies for being responsible. The preliminary facts of the monitoring have revealed that human rights situation of the citizens is getting into risk due to the agitation. On this regards, the Chairperson and the members of the Commission had drawn attention of the then Prime Minister, Sushil Koirala towards preventing human rights violation by addressing the right demands of the agitating parties through meaningful dialogue.

4.3. Meeting and Discussion

The Commission has been organizing meeting and discussion programs with agitating parties, high level officials of the Government and security agencies, civil society representatives and human rights defenders at Central and Regional Offices with an aim to prevent further deterrent of human rights situation. The Commission realized that, such meeting and discussion programs have helped in human rights protection work. The Commission had organized meetings with secretaries of Ministry of Foreign Affairs, Ministry of Supply and Commerce, Ministry of Home after the blockade to imported goods from third countries through Indian land due to the agitating parties' Nepal-India border centered programs of agitation. Besides this, the monitoring teams deployed in the field had also tried to resolve the problems at local level by holding discussion with agitators, other political parties and local administration.

4.4 Press Statement

The Commission has issued the press statements time and again in relation to the agitation. The attention of the concerned parties has been drawn for protection of human rights of the citizens. The statements have helped to minimize human rights violation incidents by maintaining social harmony. The press statements have
urged to the Government of Nepal and agitating parties to resolve the problems through meaningful dialogue. Some Press statements issued by the Commission have been attached herewith in Annex 3.

4.5 Direction, Coordination and Suggestions Provided at Local Level

During the field monitoring, members of the Commission have issued order to the Regional Administrators, local police and administration for protection of human rights according to the mandate. Likewise, the Commissioners had also urged the agitators to make their agitation peaceful. The monitoring teams in the leadership of the NHRC officers provided suggestions coordinating with both parties at local level. The members of the Commission had issued direction to manage security immediately realizing the security risks due to the low presence security personnel. Realizing the negative effects on the daily life of the civilians due to prolonged closure and curfew, it had been requested to both parties to minimize unnecessary closure and time of curfew. Likewise, both parties had been requested not to do anything that disturbed social harmony and the agitators were asked to remove the prohibition on the basic consumer goods and residence to security personnel imposed by them. During the monitoring, it had been urged to maintain environment of security and independent monitoring by the human rights defenders, journalist and civil society.

During the monitoring, the agitators and local administration had urged the NHRC monitoring team to play the role of facilitator and mediator in order to tackle odd situation and resolve problems. Likewise, the Commission had provided direction to its monitoring team to conduct active monitoring continuously for a long period of time. The Monitoring team had played very important role to preserve the human rights situation from being decorating in various districts including Dhanusha, Mahottari, Bara, Parsa, Rupandehi, Nawalparashi and Morang. The NHRC head office had issued direction to the chief district officers and heads of the security agencies to control the acts of vandalizing and arson immediately.
4.6 Rescue of the Victims

The Commission had rescued the victims who were in trauma and pain and taken them to the place where they felt secure. On 24th August, three students who had been staying in insecure and traumatized condition after the Tikapur incident had been rescued and taken to Lamki and handed over to their parents.
Chapter-5
Analysis, Conclusion, Suggestion and Recommendations

5.1 Analysis and Conclusion

Monitoring conducted by the NHRC shows that due to the government's failure to address the then government's agreements made with the agitating parties and groups in order to address the problems without sufficient homework; agitations on the same issues are held again and due to which life of the general people has become difficult and the human rights are violated now and again; therefore, implementation of such agreements should be conformed through honesty from both sides.

According to the values and principles of human rights, it is the citizen's right to participate in the peaceful movement for their rights. The Commission is always positive in this regard. In spite of the concerns expressed from various sectors in relation to the protests and monitoring from the Commission, serious abuse of right to peaceful demonstration has been found. There has been obstruction in the enjoyment of multiple human rights due to which serious humanitarian crisis has been resulted. It has also been found that there has been lots of obstruction in enjoyment of multiple rights of others due to the movements launched for the agitators' own rights. The enjoyment of multiple human rights has been affected due to prolonged closure and strike programs as well as delay to address the problems. The facts show that 49 people including the 18 months old infant have lost their lives and minimum 729 people have been injured. Such incidents have happened due the excessive use of force by the security personnel and the use of domestic weapons by the agitators during the demonstration. Name list of the injured persons could not be mentioned as the agitating parties did not provide as per request made by the Commission. However, hundreds of agitators have been found injured. A police personnel has died in Nawalparshi district while loading ammunition in the weapon during protest and there has been death of the agitators who had been returning from agitation or attending it.
Use of excessive force by the security forces can be seen through injuries in the chest and other parts above the knees in the bodies of those who were killed or injured by the bullets fired by the security forces, marks of the bullets found on the houses and shutters and the electricity poles lying nearby in the area of firing. Therefore, the United Nations Provision that "Law enforcement officials shall not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when other means are insufficient in order to protect life" and provisions of Local Administration Act, 2028 have not been found respected fully. Use of excessive force from the side of security forces has been found due to the unavailability of security equipments even to the minimum extent as mentioned in the Local Administration Act to control the mob, long duty hours of the security personnel, lack of timely management of food and water, inability to use toilets, insufficiency of the safety shields and presence of very high number of demonstrators compared to security forces in some places. Concerned party has to pay serious attention about this.

The Government's and the security force's not being serious towards full implementation of the orders issued by the Supreme Court and the attention drawn by the Commission now and again, and the suggestions of the Office of the United Nations High Commissioner for Human Rights is a matter of serious concern. In this regard, it is necessary to conduct serious investigation taking together the principles of legality of proportionate use of force, liability and necessity.


29 The Supreme Court had issued order on 15th September, 2015 on the Writ Petition of Bishmillaha Khatun Vs. Government of Nepal.
Rights of the citizens including freedom to peaceful assembly without weapons, freedom of movement, profession, employment, occupation, freedom to establishment and functioning of industries and trade have been affected due to the long term curfews, declaration of violence zone, prohibition area and indefinite closure by the agitating parties in various districts. Rights to liberty and security of the citizens have been affected by the restriction in movement by the agitators in their respective areas. Even in the condition of serious humanitarian crisis emerged from the violation of freedom to consume essential goods due to the blockade in Nepal India boarder by the agitating Joint Democratic Madhesi Front, the agitators have not shown even basic humanitarian sensitivity. There has been violation of freedom to residence in some districts with the release of the press statement issued by the Front demanding prohibition to give houses to rent to the family members of the security forces. They have also demanded some communities to leave district. Negative impact on the diplomatic relation between the two countries caused by the demonstration in the prohibited no man's land in the border of Nepal and India is a matter of serious concern.

Prohibition of certain TV channels and newspapers, vandalizing of media houses, beating and abuses to the journalists, vandalizing of the vehicles of the media by the agitators and beating of the reporters by the security forces have caused violation to the rights to information, communication, press and publication. Human rights defenders have been found fallen into risk by the incidents of abuses, beating and vandalizing of vehicles of human rights defenders and journalists including the NHRC staffs.

The behavior of police towards detainees was against the law as they had been misbehaved after arrest and children were treated equal to adults. Right to education of millions of children has been restricted due to agitation. On the one hand the agitators could not respect the Schools are Zone of Peace Campaign and on the other hand active participation of some teachers in the agitation resulted into the same. As a result, the students from the agitating areas are found to be in the condition of being unable to compete against the students from the areas of the country where the schools have been functioning more smoothly and regularly. Right to health has been found affected severely due to patients including pregnant women,
person with disability, senior citizens' failure to reach hospitals and lack of medicines, oxygen and incidents of abuses to medical professionals during the agitation. Sever humanitarian crisis has arisen due to the obstruction in the import of basic goods such as LPG gas, kerosene and medicines through Nepal-India border. It has caused the state lack of humanitarian sensitivity.

Because of the agitation, people were victimized by price hiking, black marketing, artificial scarcity and the cultural festivals of Nepalese people were badly affected caused. Due the agitation, the consumer's rights especially rights of the daily wage earners have been unimaginably affected.

Human rights of Nepalese and foreign consumers living in Nepal have been affected severely due to obstruction in transport of goods imported from third countries via India mentioning lack of peace and security due to agitation of the Madheshi Front. Especially because of the fuel crisis, industries and tourism sectors have been badly affected due to which Nepal's collection of revenue has been seriously impacted and enjoyment of economic and social rights has been directly affected. Demonstration in the no man's land in the border of Nepal and India; which is against international norms, and agitator's lack of sensitivity towards the impact in the relation between the two countries and the risk in the border area due to the use of Indian land.

5.2 Legal Analysis

The above mentioned facts show that right to freedom of assembly without arms provided by the Constitution and law including Article 12(3) (b) of the Interim Constitution of Nepal, 2007, Article 17 (2) (a) and (b) and of the Constitution of Nepal, 2015 and Section 6(2) of the Civil Act, 2012 could not be respected. Likewise, restrictions on rights to freedom provided by the Article 12 of the Interim Constitution and present Constitution were also found. The police have shown degrading treatment against the agitators in some places against the rights provided by the Article 22 of the Interim Constitution, 2007 and present constitution. Right to education provided by the Article 17 of the Interim Constitution, 2007 and Article 31 of the Constitution of Nepal, 2015 has been restricted. Likewise, the right to basic health provided by the Article 35 of the Constitution of Nepal, 2015 has been directly affected.
Various human rights provided by international human rights law including Right to freedom of peaceful assembly provided by Article 21 of International Covenant on Civil and Political Rights, 1966 (ICCPR), freedom of expression provided by the Article 19(1) of ICCPR, right to liberty and security of person provided by Article (9) of ICCPR were not respected. Right to Press and publication provided by the Article 19(2) of ICCPR was also violated. Likewise, rights against torture provided by Article 7 of the ICCPR and Convention Against Torture, 1984 was not fully implemented.

Right to health and education provided by the Article 12 and 13 of the International Covenant on Economic Social and Cultural Rights have been found restricted for enjoyment. Regarding this rights to education and health provided by International Convention on Child Rights have also been affected. The provision of Rights of each individual and community to participate on their own cultural life provided by the Article 15 of International Convention on Economic, Social and Cultural Rights, 1966 have been affected. Implementation of the Article 12 and 13 of International Convention on Economic, Social and Cultural Rights,1966, and the General Comment No.12 of the Article 11 have also been challenging.

From the above mentioned facts, legal analysis and conclusion, enjoyment of various human rights of Nepalese Citizens and foreigners living in Nepal have been obstructed severely. With regards to this critical situation, the Commission urges the Government of Nepal and the agitators to conduct their further activities being sensitive.

5.3 Suggestions and Recommendations

On the basis of the above mentioned facts, the NHRC provides the following suggestions and recommendations:-

a. To the Government of Nepal and agitating parties

1. To come into conclusion with solution building consensus immediately through meaningful dialogue according to the aspiration of Nepalese citizens for respect and protection of human rights.

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2. Not to conduct or get conducted any activities in the name of peace or order or agitation that violates civil rights and creates severe humanitarian crisis.

3. To operate or get operated the schools located in the agitating district immediately and take departmental action against the teachers who are actively involved in the agitation and give information of this to NHRC.

4. To ensure working environment for human rights defenders and journalists by stopping such activities immediately and taking legal action against perpetrators as they have been found to be insecure from both sides - security agency and agitators.

5. To ensure and get ensured the rights including freedom of occupation, employment, business and operation of industries as human right of consumers have been found violated by inflation, black marketing, artificial scarcity due to the indefinite bandh, and obstruction in export import through Nepal-India border form which daily wage earners have been found more affected.

6. To take legal action against those involved in incitement of social harmony as agitators, opposition groups and some security forces on duty are found to have been involved in such activities.

b. To the Government of Nepal

7. To take legal action immediately through criminal investigation against the individuals and personnel who are found to have been involved in killing incidents with the use of excessive force in case of the security agency (Nepal Police and Armed Police Force) and using domestic weapons by the agitators; and provide appropriate relief and compensation to the victim's families.

8. To ensure not having the occurrences of violation of human rights due to the same reason through timely implementation of agreements on human rights made by Nepal Government with various parties.

9. To end repetition of excessive use of force by security forces which has happened in many places ignoring
implementation of suggestions and direction given by National Human Rights Commission, Supreme Court and United Nations High Commissioner for Human Rights.

10. To ensure freedom of movement and immediate and effective medical treatment for injured and sick people as there has been difficulty in reaching the destination for administration of justice, education and medical treatment due to violation of freedom of movement of individuals caused by indefinite bandh and strike.

11. To manage and cooperate with Nepal Police for management of peace and order in the rural areas where social security has become a challenge due to increment in incidents of social crimes caused by the absence of security forces as they have been centralized to district headquarters and area based offices due to agitation.

12. As there has been lack of smartness in the work of the security personnel due to the deployment of them in the field for long hours, lack of timely supply of food and water, inability to take rest when tired, insufficiency or lack of security shields and necessary equipments provisioned in Local Administration Act, they forces should be provided with their needs.

C. To Agitating Parties

13. To take back the agitation programs being responsible as there has been problems in the enjoyment of Nepalese Citizens' basic human rights due to the closure of Nepal-India border check points and main roads which has resulted in obstruction of import and export of goods through the border and in relation between Nepal and India.

14. To make the agitation peaceful by stopping the use of homemade weapons like lathi (sticks), guleli (small hand-powered projectile weapon), arrows, axe, sickle by the agitators.

15. To implement and get implemented diplomatic respect and international law being sensitive towards negative impact in Nepal-India relation due to the use of prohibited no
man's land between Nepal India boarder for demonstration and rally, sitting in protest and throwing stones towards Nepal by using Indian land under the agitator's border closure programs.

16. To ensure the rights of Nepalese citizens to celebrate cultural festivals observed according to their tradition.

d. To Others

17. To be active towards strengthening social harmony and not to express opinion that arise social conflict based on communal, geographical feelings by leaders and cadres of any political parties, police personnel, journalists and human rights activists as well as civil society leaders.

## Annex-1

**Monitored Districts**

<table>
<thead>
<tr>
<th>No.</th>
<th>District</th>
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<tr>
<td>1</td>
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<td>Jhapa</td>
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<td>4</td>
<td>Morang</td>
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<td>5</td>
<td>Sunsari</td>
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<td>6</td>
<td>Shaptari</td>
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<td>7</td>
<td>Siraha</td>
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<td>8</td>
<td>Khotang</td>
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<td>9</td>
<td>Dhanusha</td>
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<td>10</td>
<td>Mohattari</td>
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<td>11</td>
<td>Sharlahi</td>
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<td>12</td>
<td>Rautahat</td>
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<td>13</td>
<td>Bara</td>
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<td>14</td>
<td>Parsa</td>
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<td>15</td>
<td>Chitwan</td>
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<td>16</td>
<td>Kathmandu</td>
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<td>17</td>
<td>Lalitpur</td>
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<td>Nawalparashi</td>
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<td>19</td>
<td>Rupandehi</td>
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<td>20</td>
<td>Kapilbastu</td>
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<td>21</td>
<td>Baglung</td>
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<td>22</td>
<td>Dang</td>
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<td>23</td>
<td>Banke</td>
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<td>24</td>
<td>Surkhet</td>
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<td>25</td>
<td>Jumla</td>
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<td>26</td>
<td>Kalikot</td>
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<td>27</td>
<td>Bardiya</td>
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<td>28</td>
<td>Kailali</td>
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</table>
Annex-2
Description of Persons Killed During Agitation

a) Individuals Killed by Security Forces

<table>
<thead>
<tr>
<th>SN</th>
<th>Name and Address of Deceased Persons</th>
<th>Age</th>
<th>Incident of Place</th>
<th>Date</th>
<th>Remarks</th>
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<tr>
<td>1</td>
<td>Rajendra Kumar Raut (Rajiv), Bhardaha VDC-1, Shaptari</td>
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<td>Bhardaha</td>
<td>18/08/2015</td>
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<td>2</td>
<td>Ramkishun Raut (Ramkrishna) Portaha VDC-1, Shaptari</td>
<td>60</td>
<td>Portaha</td>
<td>09/09/2015</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Niku (Nitukumar Yadav, Gopalpur-Dhanusha</td>
<td>16</td>
<td>Mils Area, Janakpur</td>
<td>11/09/2015</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Sanjaya Kumar Chaudhari Chhireshwor Municipality-5, Dhanusha</td>
<td>28</td>
<td>Mils Area, Janakpur</td>
<td>11/09/2015</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Dilip Kumar Yadav, Shirnurjoda-4, Dhanusha</td>
<td>13</td>
<td>Pidari Chok, Janakpur</td>
<td>11/09/2015</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Rohan Chaudhari Jaleshwar Municipality-7, Mahottari</td>
<td>15</td>
<td>Mahendra Chok, Jaleshwar</td>
<td>09/09/2015</td>
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<td>7</td>
<td>Rambivek Yadav, Mahottari VDC-5, Mahottari</td>
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<td>Mahendra Chok, Jaleshwar</td>
<td>09/09/2015</td>
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<td>8</td>
<td>Amit Kapar (Mushwa) Jaleshwar Municipality-14, Mahottari</td>
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<td>09/09/2015</td>
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<td>Birendra Kumar Bichchha Pigauna VDC-4, Mahottari</td>
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<td>10</td>
<td>Ramshila Mandal Hattilet-9, Mahottari</td>
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<td>Shankar Chok, Jaleshwar</td>
<td>11/09/2015</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Name</td>
<td>Address Details</td>
<td>Age</td>
<td>Place of Birth</td>
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<td>Ganesh Chaudhary Jaleshwor</td>
<td>Municipality-7, Mahottari</td>
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<td>Badkiranawa, Mahottari</td>
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<td>11/09/2015</td>
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<td>Rajkishor Thakur Mathiya</td>
<td>VDC-6, Rautahat</td>
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<td>Kabir Chok, Gaur</td>
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<td>Municipality</td>
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<td>01/09/2015</td>
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<tr>
<td>14</td>
<td>Dharmaraj Shingh Rajput</td>
<td>Birgunj SMC-25, Parsa</td>
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<td>Birgunj SMC-16</td>
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<td>01/09/2015</td>
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<tr>
<td>15</td>
<td>Jayapракash Shah Teli (Bhola)</td>
<td>Birgunj SMC-19, Parsa</td>
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<td>Birgunj SMC-18</td>
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<td></td>
<td>01/09/2015</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Shohan Prasad Gupta</td>
<td>Permanent resident of Telkuwa Bara, currently living at Birgunj SMC-19, Parsa</td>
<td>26</td>
<td>Naguwa, Birgunj</td>
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<td>01/09/2015</td>
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<td></td>
<td>20/08/2015</td>
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<td>Sudhiram Yadhav (Sunil)</td>
<td>Lumbini Shanskrit Municipality-13, Rupandehi</td>
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<td>20/08/2015</td>
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<tr>
<td>22</td>
<td>Rameshwor Pasi Bedhawar-3 Ka</td>
<td>Rupandehi</td>
<td>33</td>
<td>Bethari Chok, Lumbili Road</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>15/09/2015</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Name</td>
<td>Vascular District (VDC)</td>
<td>Ward</td>
<td>Residential Details</td>
<td>Date</td>
</tr>
<tr>
<td>-----</td>
<td>------</td>
<td>-------------------------</td>
<td>------</td>
<td>---------------------</td>
<td>------</td>
</tr>
<tr>
<td>23</td>
<td>Binod Kumar Lakoul (Binu), Gonaha</td>
<td>VDC-6, Rupandehi</td>
<td>35</td>
<td>Bethari Chok, Bahirawa-Lumbili Road</td>
<td>15/09/2015</td>
</tr>
<tr>
<td>24</td>
<td>Rajkumar Barai</td>
<td>Gonaha VDC-6, Rupandehi</td>
<td>38</td>
<td>Bethari Chok, Bahirawa-Lumbili Road</td>
<td>15/09/2015</td>
</tr>
<tr>
<td>25</td>
<td>Ranjana Singh Kshetri</td>
<td>Permanent resident of Marchawar VDC, currently living at mother's parental home at Gohaha VDC-6, Bethar, Rupandehi</td>
<td>14</td>
<td>Bethari Chok, Bahirawa-Lumbili Road</td>
<td>15/09/2015</td>
</tr>
<tr>
<td>26</td>
<td>Kundan Kumar Patel</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Chandan Kumar Kurmi (Patel)</td>
<td>Permanent resident of Pokhariya Municipality-1, bankata, Parsa, currently living in Rupandehi</td>
<td>4</td>
<td>Bethari Chok, Bahirawa-Lumbili Road</td>
<td>15/09/2015</td>
</tr>
<tr>
<td>28</td>
<td>Nandani Pandey</td>
<td>Gonaha VDC-6, Rupandehi</td>
<td>50</td>
<td>Bethari Chok, Bahirawa-Lumbili Road</td>
<td>15/09/2015</td>
</tr>
<tr>
<td>29</td>
<td>Gopal Singh Rajwar</td>
<td>Birendranagar Municipality-3, Surkhet</td>
<td>66</td>
<td>Birendranagar Municipality-4</td>
<td>10/08/2015</td>
</tr>
<tr>
<td>30</td>
<td>Tikaram Gautam</td>
<td>Birendranagar Municipality-3, Surkhet</td>
<td>55</td>
<td>Birendranagar Municipality-4</td>
<td>10/08/2015</td>
</tr>
<tr>
<td>31</td>
<td>Yam Bahadur BC</td>
<td>Birendranagar Municipality-8, Surkhet</td>
<td>28</td>
<td>Birendranagar Municipality-4</td>
<td>10/08/2015</td>
</tr>
<tr>
<td>32</td>
<td>Hari Bahadur Kunwar</td>
<td>Tamti VDC-1, Jumla</td>
<td>20</td>
<td>Chandannath Municipality</td>
<td>23/08/2015</td>
</tr>
</tbody>
</table>
## B. Description of Police Personnel Killed by Agitators

<table>
<thead>
<tr>
<th>SN</th>
<th>Name, Address of Deceased Persons</th>
<th>Incident Place</th>
<th>Date</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Laxman Neupane Senior Superintendent of Police, Kailali Zonal Police Office</td>
<td>Tikapur, Kailali</td>
<td>24/08/2015</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Balaram Bista Police Inspector Kailali District Police Office</td>
<td>Tikapur, Kailali</td>
<td>24/08/2015</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Keshav Bohara Police Inspector Zonal Armed Police Division Seti</td>
<td>Tikapur, Kailali</td>
<td>24/08/2015</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Shyam Bahadur Khadka Police Head Constable Zonal Armed Police Division Seti</td>
<td>Tikapur, Kailali</td>
<td>24/08/2015</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Lokendra Bahadur Chand Police Constable Area Police Office Tikapur, Kailali</td>
<td>Tikapur, Kailali</td>
<td>24/08/2015</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Lalit Bahadur Shaud Police Head Constable, Armed Police Force Bigrade, Ugratara, Tikapur, Kailali</td>
<td>Tikapur, Kailali</td>
<td>24/08/2015</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Janak Bahadur Negi Police Head Constable</td>
<td>Tikapur, Kailali</td>
<td>24/08/2015</td>
<td></td>
</tr>
</tbody>
</table>
C) Description of deceased individuals accused as killed by agitators but not taken responsibility

<table>
<thead>
<tr>
<th>SN</th>
<th>Name</th>
<th>Address</th>
<th>Incident</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Dev Bahadur Pandey Constable</td>
<td>Area Police Office, Mainapokhari, Bardiya</td>
<td>04/09/2015 Bardiya</td>
</tr>
<tr>
<td>11</td>
<td>Tek Bahadur Shaud, Age 18 months, Tikapur Municipality-9, Malikatole</td>
<td>Tikapur, Kailali</td>
<td>24/08/2015 Tikapur</td>
</tr>
<tr>
<td>12</td>
<td>Karan Singh, age 22 years, Naubasta VDC-2, Banke</td>
<td>Ganapur VDC Pihawa Chol</td>
<td>04/09/2015 Nepalgunj</td>
</tr>
<tr>
<td>13</td>
<td>Ram Nibesh Kushwaha</td>
<td>Birgunj Municipality Ward No 26</td>
<td>26/10/2015 Birgunj Municipality-25, Parsa</td>
</tr>
<tr>
<td>14</td>
<td>Ravilal Gurung, Driver, Tarkughat-2, Lamjung</td>
<td></td>
<td>15/08/2015 Navalparashi, allegation of death by stone thrown by the agitators</td>
</tr>
</tbody>
</table>

D) Others

<table>
<thead>
<tr>
<th>SN</th>
<th>Name</th>
<th>Address</th>
<th>Incident</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Kashiram BK</td>
<td>Armed Police Force Navalparashi</td>
<td>17/08/2015 Dead by self-opened fire of his own gun while he was running away form agitators.</td>
</tr>
<tr>
<td>16</td>
<td>Chinku Chaudhary, Thapapur-2, Kailali</td>
<td>Kailali</td>
<td>17/08/2015 Died by road accident while returning home from agitation</td>
</tr>
<tr>
<td>17</td>
<td>Umesh Kapad, Shishuwa Katiya-8, Mahottari</td>
<td></td>
<td>Died during participation in human chain program at Ratalu, Mahottari</td>
</tr>
</tbody>
</table>
Annex-3
Description of Victims Decided to Provide Financial Assistance by Ministry of Home

<table>
<thead>
<tr>
<th>SN</th>
<th>Name, Address</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tek Bahadur Shaud, Manuwa-2, Kailali</td>
<td>1,000,000</td>
</tr>
<tr>
<td>2</td>
<td>Rajkishwor Thakur, Mathiya-6, Rautahat</td>
<td>1,000,000</td>
</tr>
<tr>
<td>3</td>
<td>Durgesh YadHAV, Kamhariya-3, Rupandehi</td>
<td>1,000,000</td>
</tr>
<tr>
<td>4</td>
<td>Dilip Kumar Chaurashiya, Maniyari-6, Parsa currently living at Birgunj-25</td>
<td>1,000,000</td>
</tr>
<tr>
<td>5</td>
<td>Dharmaraj Shingh Rajput, Bhawanipur-5, Parsa, currently living at Birgunj-26</td>
<td>1,000,000</td>
</tr>
<tr>
<td>6</td>
<td>Dinanath Shaha God, Pashauni-8, Bara</td>
<td>1,000,000</td>
</tr>
<tr>
<td>7</td>
<td>Jaya Prakash Shah (Bhola Shah) Pasauni-8 Bara</td>
<td>1,000,000</td>
</tr>
<tr>
<td>8</td>
<td>Shohan Prasad Gupta, Telkuwa, Bara</td>
<td>1,000,000</td>
</tr>
<tr>
<td>9</td>
<td>Hifajat Miya, Kaliya Municipality-10, Bara</td>
<td>1,000,000</td>
</tr>
<tr>
<td>10</td>
<td>Karan Singh, Nauwasta-2, Banke</td>
<td>1,000,000</td>
</tr>
<tr>
<td>11</td>
<td>Ravilal Gurung, Tarkughat-1, Lamjung</td>
<td>1,000,000</td>
</tr>
<tr>
<td>12</td>
<td>Ramkrishna Raut, Portaha-1, Shaptari</td>
<td>1,000,000</td>
</tr>
<tr>
<td>13</td>
<td>Ram Vivek YadHAV, Mahottari-5</td>
<td>1,000,000</td>
</tr>
<tr>
<td>14</td>
<td>Rohan Chaudhary, Jaleshwar-7, Mahottari</td>
<td>1,000,000</td>
</tr>
<tr>
<td>15</td>
<td>Amit Kapar called as Mushwa, Jaleshwar-14, Mahottari</td>
<td>1,000,000</td>
</tr>
<tr>
<td>16</td>
<td>Ramshiladevi Mandal, Hattilet, Mahottari</td>
<td>1,000,000</td>
</tr>
<tr>
<td>17</td>
<td>Ganesh Chaudhary, Jaleshwar-7, Mahottari</td>
<td>1,000,000</td>
</tr>
<tr>
<td>18</td>
<td>Sanjaya Chaudhary, Chhisheynwarth Municipality-5, Dhanusha</td>
<td>1,000,000</td>
</tr>
<tr>
<td>19</td>
<td>Niku YadHAV, Gopalpur-2, Dhanusha</td>
<td>1,000,000</td>
</tr>
<tr>
<td>20</td>
<td>Dilip YadHAV, Shimarajoda-4, Dhanusha</td>
<td>1,000,000</td>
</tr>
<tr>
<td>21</td>
<td>Kundan Kumar Patel, Gohana-8, Rupandehi</td>
<td>1,000,000</td>
</tr>
<tr>
<td>22</td>
<td>Binod Lakoul, Gonaha-6, Rupandehi</td>
<td>1,000,000</td>
</tr>
<tr>
<td>23</td>
<td>Rajkumar Barai, Gohana-6, Rupandehi</td>
<td>1,000,000</td>
</tr>
<tr>
<td>24</td>
<td>Ranjana Shingh, Shiloutiya-8, Rupandehi</td>
<td>1,000,000</td>
</tr>
<tr>
<td>25</td>
<td>Roshan Dura, Byash Municipality, Tanahu</td>
<td>1,000,000</td>
</tr>
<tr>
<td>26</td>
<td>Birendra Bichchha, Gijauni-4, Mahottari</td>
<td>1,000,000</td>
</tr>
<tr>
<td>27</td>
<td>Rameshwor Pashim Bodabhar-3, Rupandehi</td>
<td>5,00,000</td>
</tr>
</tbody>
</table>
The National Human Rights Commission Nepal has been monitoring the human rights violation incidents and situation generated by the agitation programs including demonstration, strike and bandha launched by the Joint Democratic Madhesi Front and various political parties and struggle. The National Human Rights Commission Nepal has been monitoring the human rights violation incidents and situation generated by the agitation programs including demonstration, strike and bandha launched by the Joint Democratic Madhesi Front and various political parties and struggle committees that has been organized in various parts of country including Terai Madhesh region since long time for the various issues including demarcation of federal states.

Death of 11 civilians in police action taken in Mahottari, Dhanusha and Saptari districts and the incident of the agitator's brutal killing of Thaman Bahadur BK, a Police Sub-inspector taking out of the ambulance while being taken to hospital for treatment in Mohottari on 10 September, 2015 are heinous incidents from the perspective of human rights law. The Commission urges the Government of Nepal to take legal action against the culprits by conducting impartial investigation.

The emergency meeting of the Commission today urges the agitating parties and Government to make the agitation temperate and peaceful. In the context of current challenges upon human rights situation due to restriction in various rights of civilians including rights to live peacefully in fearless environment, right to freedom of movement, right to occupation and employment and freedom of expression, the commission has concluded that the solution of current problem is at political level.

The Commission urges to the Government, all agitating parties and concerned parties to lead the current situation to right direction.
through meaningful dialogue and to the Government to rethink on its latest decision to mobilize security mechanisms.

In addition, the Commission urges to the Government of Nepal to provide appropriate relief and compensation to the family of the civilians and security personnel who died during the protest and manage effective medical treatment to the injured persons.

Sd. Anup Raj Sharma
Chairperson
Use of Children in Bandh and Strike Program is Against Constitution and Law

National Human Rights Commission's attention has been drawn by the incidents of use of children in bandh and strike programs held on the issue of demarcation of federal state in various districts including Jumla.

The act of using younger children in bandha and strike programs in half naked form demanding autonomous Karnali state in Jumla on 5th August, 2015 is against child rights.

The use of children is found increasing recently despite commitments of not involving them in programs like sitting in, agitation and demonstration. The act of using children in demonstration in half naked form writing different slogans on their body parts is against child rights; therefore, the Commission urges the agitators to get such activities stopped.

The Commission draws attention of the concerned agencies to ensure child rights considering risks of using children in bandh and strike programs. The use of innocent children to fulfill political demands is a disgraceful matter. The Commission urges to the concerned parties not to use children in such way and to create environment to run schools.

Rampantly using children by forgetting children are zone of peace is a heinous act. The Commission draws attention of the Government of Nepal to take action against those who use children in bandh and strike programs organized for any demands. The act of using children in bandh and strike programs against their will is an act against Child Rights Convention and Children Related Act, 2048.

Sd.
Bed Prasad Bhattarai
Act. Secretary
25th August, 2015

Urges to Conduct Impartial Investigation on Kailali Incident
Emphasized to be Temperate and Sensitive

National Human Rights Commission's attention has been drawn seriously to the incidents of killing of seven security personnel of Nepal Police and Armed Police Force and a two years old child in Tikapur area of Kailali district during demonstration regarding demarcation of federal states in the new constitution to be made by the Constituent Assembly. The Commission pay heartfelt condolence to the victims killed in the inhuman act and draws attention of the Government of Nepal to provide appropriate relief and compensation and to provide free and effective medical treatment to all the injured security personnel, demonstrators and civilians and to take action against culprits by conducting impartial investigation.

Universal Declaration of Human Rights, 1948, International Covenant on Civil and Political Rights, 1966 have ensured right to identity of individual and community; however, any agitation for such rights should be peaceful. The Commission urges the agitating parties to be aware that no agitation with violence and weapon can bring lasting peace, prosperity, existence and identity.

The Commission has deployed a team in the field today for monitoring minutely. In the context of deployment of Nepal Army, the Commission urges all concerned parties to conduct each activities in accordance to the basic norms and values of human rights and prevailing laws and not to invite situation that violates human rights of the citizens.

The Commission urges all concerned parties to identify the culprits and take legal action against and maintain social harmony being temperate. The Commission also urges the demonstrators to appear peacefully while demonstrating to get their demands fulfilled and the security forces not to make excessive use of force in such demonstrations and protect the civilian's life and property.

In addition, the Commission urges the concerned parties to seek solution through dialogue being patient and not to make any expressions that further deteriorates the situation.

Sd.

Mohna Ansari
Member and Spokesperson
7th September, 2015
Urge for not to Express Opinion that Promotes Social Dissonance

National Human Rights Commission’s attention has been drawn seriously on the press release issued by Joint Democratic Madheshi Front and National Muslim Struggling Front Rautahat on 3rd September, 2015 mentioning "non-cooperation movement". The statement has urged to evacuate Police units and offices of Rautahat district and to confiscation and social exclusion to the police personnel from their residence who are living in rental residence in Rautahat district.

The statement has been publicized to promote social dissonance and violation of rights to freedom of occupation and residence of people from certain profession which is objectionable from the perspective of human rights. Such statement is against Universal Declaration of Human Rights and Human Rights law. The Commission urges to respective political parties and concerned parties for not to publicize such disgraceful expression and not to promote to do any act accordingly and to be active for ensuring human rights by promoting social harmony.

The Commission draws attention of the all concerned parties to be aware for not to publicize such expression that violates social and professional harmony.

Sd.
Mohna Ansari
Member and Spokesperson
1st September, 2015

Make the Agitation Decent and Peaceful
Urges to Seek Solution of the Problems from Dialogue

National Human Rights Commission's attention has been drawn seriously on the increasing incidents of human rights violations during ongoing agitation programs including bandh, strike and demonstration for demarcation of federal states in various districts including Terai Madhesh for a long time. The right to participate in peaceful demonstration has been provided by the Constitution and international human rights law. However, the generated situation of using sticks, domestic weapons, throwing stones, ammunition, vandalizing, use of children, killing, and deformities is against the principles of human rights.

The Commission draws attention of Government of Nepal and agitating parties to make the agitation peaceful focusing on dialogue and stopping incidents of killing and injury including in the hospital areas by the bullet of security forces deployed for security of citizen's life and property. The massive use of children in the demonstration has been found and some children have been found injured during involvement in the demonstration; therefore, involvement of children in any agitation program is against the Child Rights Convention.

The Commission draws attention of all concerned parties for not to use children in such way, to create environment for operating schools and health institutions without interference and to ensure child rights by considering risk while using them in bandh and strike programs. Using children in such programs is against International Convention on Child Rights and Children Related Act, 2048.

In addition, the Commission urges to the concerned parties to ensure consumer's human rights by ensuring easy import of daily goods due to bandha which occurred for a long period of time. The Commission draws attention of all concerned parties that human rights of citizens including freedom of movement, employment are being restricted due to bandh. The Commission urges to make the
agitation programs peaceful and not to arrest people by making excessive use of force.

Article 20 of the Universal Declaration of Human Rights and Article 21 of the Covenant on Civil and Political Rights and Article 12 (3) (b) have ensured freedom of peaceful assembly. The Commission urges to use such rights by not inferring other's human rights.

Sd.

Bed Prasad Bhattarai
Acting Secretary
NHRC urges to find Alternative to Banda Program

Serious attention of the National Human Rights Commission has been drawn to the protest program that has hit hard the life of people across various districts including Jumla, Surkhet, Saptari, Kapilvastu, Dhanusha, Rupandehi, Hiraha, Kailali, Kanchanpur.

Expressing sorrow over the incident of death following the protest, clashes and stampede in Surkhet and Saptari districts, the Commission urges the government to provide appropriate relief and compensation to the families of victims.

The Commission also draws attention of the government to arrange free treatment to those who have been injured during the protest and are undergoing treatment in hospital.

The Commission would also like to draw the attention of the concerned parties to find alternative to banda and search for solution to the problem through dialogue and consensus since the life of people has been hit hard being brought to grinding halt due to their movement and the closure of offices, educational institutions and factories.

Also, health workers involved in the treatment have also been thrashed by the police and the Commission urges not to resort to such act. Banda has violated the freedom of movement of people and to practice any profession, carry on any occupation.

The Commission urges the police administration to restrain and not use force against the peaceful demonstration and sit-in programs. Though the measures were available to control the protest, in some districts, excessive force was learnt to have been used causing causalities which is a sensitive matter. The Commission also urges the protesting parties to organize the program in peaceful manner.

The Commission draws the attention of the government to restrain and comply with the basic principles of human rights and to institute fair probe into in incident to evade the possible loss due to such nature of protest program in future.
The Commission urges the government and the protesting parties to find solution to the problem through dialogue and consensus to not further worsen the normal life of citizens.

Sd.
Mohna Ansari
Commissioner/ Spokesperson
31st August, 2015

Discussion of the Officials of the National Human Rights Commission with Constituent Assembly Members from Tharu Community

The Constituent Assembly Members urges the Commission to resolve the problem by organizing multiparty dialogue in its own initiation

The Officials of the Commission have held discussion on current situation of the country and human rights with the Constituent Assembly Members of various political parties from Tharu Community today.

The discussion was held between Chairperson Anup Raj Sharma, members Prakash Osti and Govinda Sharma Paudyal and CA Members - Surendra Chaudhary, Ramjanam Chaudhary, Tej Lal Chaudhary, Janak Raj Chaudhary, Aman Modi and Gopal Dahit on the impact on human rights and hardship of people due to Tikapur incident and agitation for demarcation of federal states in various districts in Terai.

During the discussion, the CA members mentioned that the new constitution shall address the demand of their community. They've also pointed out that human rights situation in various Terai districts including Tikapur has been critical due declaration of curfew, mobilization of Nepal Army, massive arrest in Tikapur incident by mobilizing large number of security forces and citizens' inability to live normal life due to curfew.

Likewise, the CA members have drawn attention of the Commission to resolve the problems by holding multiparty discussion. They have also pointed out that the administration is silent as Tharu women have been misbehaved during agitation, youths are compelled to run away living home. Administration could not be impartial and youths are being entrapped in false cases, homes and property of people including CA members are being vandalized and set fire during curfew.
The Chairperson of the Commission, Anup Raj Sharma, emphasized that human rights including right to freedom to assemble without arms, freedom to raise demands, and right to live dignified life without fear might be respected and protected at any cost. The Chairperson made commitment that the Commission would not make any agreement against in its responsibility to protect human rights. Mr. Sharma emphasized for guarantee of peace and security and mentioned sorrow on the incidents occurred in various districts including Kailali.

In the leadership of Commission Member Sudip Pathak, one monitoring team of the National Human Rights Commission is working in Kailali and another team, in the leadership of Member Mohna Ansari, is working in Nawalparashi, Rupandehi, Kapilvastu, and Dang districts. The monitoring teams of the Commission are continuously working in Rautahat, Sharlahi, Shaptari, Mahottari, Siraha and Dhanusha districts. Likewise, another team in the leadership of the Member of the Commission Govinda Sharma Paudyal is being deployed in eastern reason for monitoring in Morang, Sunshari, Jhapa and Illam districts from tomorrow.

Sd.
Bed Prasad Bhattarai
Act. Secretary
13th September, 2015

NHRC Urges to Operate Schools and not to Use Children in Bandh Programs

The National Human Rights Commission Nepal has drawn attention of the concerned agency for not using children in the agitation programs like bandh and strike and to consider operation of educational institutions without interference.

During the meeting with various organizations related to education today, Chairperson of the NHRC Anup Raj Sharma mentioned that right to education is inherent right of children and rights of others might not be violated while using own rights.

Chairperson Sharma informed that the Commission has been raising voices for rights of all citizens including students, sick persons and consumers. He urged to the Government and concerned agencies to consider for operation of schools.

He mentioned that using children in bandh programs is against international human rights law and the NHRC has been monitoring situation of human rights violation due to continuous bandh.

During the meeting chairperson of National PABSON - Karna Bahadur Shahi, Chairperson of PABSON - Lakshya Bahadur KC, Chairperson of Parent's Association Nepal - Suprbtn Bhandari, Vice-Chairperson of HISAN - Ramesh Shilwal urged to the Commission to take initiation to create environment for operation of Schools realizing the right to education of the student has been violated by bandh and strike programs in various districts of Terai region. The participants of the meeting have drawn attention of the concerned parties that political parties might not be disrespectful to the spirit of Schools are Zone of Peace declared by the Government of Nepal in 2068 BS. During the program, the participants urged the Commission to take initiation to extend date of registration for class 11 under higher secondary education which is going to be over in mid-September. Representatives of education field have urged the agitating parties to implement the spirit of Schools are Zone of Peace by providing the school vehicles equal reorganization as ambulance and have criticized the Ministry of Education's not taking any initiation for operation of schools and colleges.
The education related organizations including NPABSON, PABSON, Guardians' Association Nepal and HISAN have urged to the NHRC to take initiation with agitators to create environment for operation of schools.

Sd.
Bed Prasad Bhattarai
Act. Secretary
11th August, 2015

Attention of the NHRC has been drawn to the incident of killing two persons in Surkhet

Urges to Resolve Problems by Dialogue

Attention of the NHRC has been drawn to the incidents occurred in some districts and regions during the agitation programs organized against demarcation of federal states. Expressing sorrow to the families of deceased, the Commission urges the Government of Nepal to provide effective medical treatment to the injured in the incident that took place in Surkhet during the demonstration organized by Undivided Mid-Western Region in which two persons were killed and many injured with the bullet fired by the police.

It is found that the police had fired bullet to take the crowd under control when the demonstrators vandalized government vehicles and set fire to the offices of the political parties and private property. The Commission urges to the police, administration and demonstrators to be patient and not to make the demonstration further violent.

The Commission urges to the demonstrators to raise their demand by peaceful means as the agitation programs against demarcation of federal states have been increasing in various districts including Mid-Western and Far-Western Region.

Likewise, rights to freedom of movement and occupation have been found violated due to bandh programs in various districts against demarcation of federal states.

The Commission urges the Government of Nepal to tackle the odd situation through dialogue.

The Commission is confident that there shall not be any interference from any side for enjoyment of rights to freedom of expression and peaceful agitation.

The Commission urges to the Government of Nepal to maintain and ensure peace and security in the country.

Sd.
Mohna Ansari
Member and Spokesperson
10th September, 2015

NHRC Urges not to Recur Tikapur Incident

The monitoring of Tikapur incident has shown that eight police personnel including SSP Laxman Neupane were killed by the agitators using domestic weapons. It is found that those police personnel were killed using arrow, khukuri and axe while they were urging the agitators not to disrupt social harmony. A one and half year old baby, sitting at his home, was found killed by bullet fired from the field.

It is learnt that the agitators killed being angry as police started to fire tear gas and bullet on them. Former Maoist combatants were also involved with the agitators who came from Joshipur area. Almost all agitators were youths. The agreement made at District Administration Office Kailali on 23rd August, 2015 between the administration and agitators for maintaining social harmony by making the agitation peaceful was not materialized. The act of arson of the house and property of member of Constituent Assembly and civilians after the incident of 25th August, 2015 is against security sensitivity. The Commission draws attention of the Government of Nepal and agitators to conduct impartial investigation of the incident and take legal action against the culprits for protection of civilians and to provide appropriate relief and compensation to the families of deceased persons, to manage treatment of the injured individuals and be aware for not to let such incident happen recur.

The Commission has already asked for detailed description including postmortem report from police and administration. The Commission has made correspondence with Tharuhat/Tharuwan struggle Committee and Undivided Far-western Region Agitation Mobilization Committee asking for factual report. The Commission is investigating the incident. In addition, the Commission urges the concerned parties to find solution as there has been hardship in the life of people and negative effects on right to profession and employment due to prolonged curfew.

Sd.
Mohna Ansari
Member and Spokesperson
23 August, 2015

NHRC Urges to be Patience

The discussion has been held between NHRC Officials and the leaders of Joint Democratic Madheshi Front about human rights violations due to human and physical loss during bandh, strike and agitation programs. The Commission has held discussion with the leaders of Madheshi Front about agitation program organized by the Front.

During the discussion, the Chairperson of the Commission Anup Raj Sharma urged to the leaders of Madheshi Front to make the agitation further decentable. The Chairperson mentioned that the Commission has been conducting monitoring effectively on the ground and will continue it.

During the meeting, Senior Vice President of Terai Madhesh Democratic Party mentioned that the Government had suppressed the peaceful agitation. He further mentioned that Madheshis were feeling alone in the agitation despite their expectation of solidarity from other communities. He urged to pay high respect to the families of martyrs declared by the state. The Vice Chairman of Shadbhawana Party, Laxman Lal Karna, mentioned that the state should use force and arms being sensible. He ensured that the agitation would be peaceful. The Senior leader of Terai Madhesh Sadbhawana Party Nepal, Ram Naresh Raya, urged to implement the previous agreements made with Madheshi leaders. He urged the Government not to show discrimination between Madheshi and Pahadi Community. He further urged to the Police administration not to misbehave with women and children during agitation. The leader of Federal Socialist Forum Nepal, Ashok Rai, mentioned that there was not more power in arms than in peaceful agitation.

During the program Member of the NHRC Mohna Ansari had briefed about monitoring conducted by NHRC in various districts. Members of NHRC Prakash Osti, Sudip Pathak, Govinda Sharma and Secretary Bed Prasad Bhattarai were also present in the meeting.

Sd,
Mohna Ansari
Member and Spokesperson
Annex-5

Press note issued by European Union

6.10.2015
Joint Local Statement on the distribution of humanitarian supplies in Nepal

The European Union Delegation, the Heads of Mission of Denmark, Finland, France, Germany, the UK, and the Heads of Mission of Norway and Switzerland issue the following statement in Nepal.

Kathmandu, 6 October 2015 - The Heads of Mission in Nepal express their support and encouragement for efforts to resolve the current difficulties affecting the supply and distribution of humanitarian supplies in the country, particularly of goods urgently needed for the adaptation of temporary shelters to the coming winter.

The effects of this situation are most heavily felt by the poorest segments of the population, including in the Terai. The lack of basic goods is taking a heavy toll on the economy of Nepal, where recent earthquakes have pushed an additional 3.5% of the population under the poverty line, according to the estimates of the Post-Disaster Needs Assessment.

The Heads of Mission hope for a prompt solution of this situation. The ongoing talks represent a unique opportunity to make progress in this direction and the Heads of Mission encourage all involved to take advantage of it in a spirit of responsibility and compromise.

End

For further information, please contact: Mr. Ambar Mainali, e-mail: ambar.mainali@eeas.europa.eu

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Annex-6

News about opinions publicized by OCHA

Himalayan News Service
Kathmandu, October 26

Six months after the devastating earthquakes that shook Nepal, shelter and food remain top priorities as winter approaches, said a press statement issued recently by UN Office for the Coordination of Humanitarian Affairs (OCHA), Nepal.

It said that with the government of Nepal, humanitarian partners provided emergency shelter to over 700,000 families, but the effect of the coming harsh cold weather is a concern with many people still without permanent durable housing.

“While much has been achieved, the humanitarian community remains committed to meeting the remaining needs,” the statement quoted UN humanitarian coordinator in Nepal, Jamie McGoldrick, as saying. “With the winter on the way, we must ensure adequate shelter and food security, particularly for more than 80,000 families,” the statement said.

According to the statement, the April and May earthquakes left 8,891 people dead, destroyed more than 600,000 houses and damaged 290,000 houses.

During the height of the emergency, some 188,900 people were temporarily displaced. Over the last six months, humanitarian partners provided food to over 1.4 million people, established temporary classrooms for 300,000 children and supported health authorities to restore all damaged health facilities by June.

It further said concerted efforts ensured that there were no disease outbreaks. To reach remote and isolated villages, last mile logistics operations employed innovative and traditional methods of delivering assistance with 16,000 porters and hundreds of mules. Over 500,000 people received multi-purpose cash assistance, which helped them bridge the economic gap caused by devastated livelihoods.

“When faced with tough challenges like the monsoon season, landslides and difficult terrain, we are proud of how we have been able to support the government and the people of Nepal and
respond to the challenges overall,” McGoldrick said, adding, “But present conditions are a concern.”

It said that since the end of September, fuel in short supply has impeded progress.

The Humanitarian Country Team has urged a quick resolution to the fuel shortage so that winter goods can be quickly delivered to vulnerable households.

McGoldrick said that this massive logistical undertaking can be achieved but the lack of fuel is significantly affecting distribution of goods.

There is a brief window of fair weather in which humanitarian actors can respond before the snow. With the humanitarian needs of earthquake-affected communities largely met, the Humanitarian Country Team is working very closely with the government and other partners to ensure a smooth transition to recovery and reconstruction.

McGoldrick further said, “The Humanitarian Country Team is looking forward to the establishment of the National Reconstruction Authority. Once it becomes operational, we anticipate that we will start to see the rapid expansion of reconstruction across the earthquake affected areas.”

A version of this article appears in print on October 27, 2015 of The Himalayan Times.

OCHA expresses concern over fuel crisis disrupting aid distribution – RSS

Oct 25, 2015- The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Nepal has expressed worry and concern over the disruption of the delivery of humanitarian assistances due to the shortage of fuel. A statement issued today by Jamie McGoldrick, Humanitarian Coordinator in Nepal, read that six months after the devastating earthquakes that shook Nepal in April, humanitarian partners provided emergency shelter to over 700,000 families, but the effect of the coming harsh cold weather, coupled with the lack of fuel, is a matter of concern to reach out to the needy with aids in remote and Himalaya areas of Nepal.
“While much has been achieved, the humanitarian community remains committed to meet remaining needs,” McGoldrick, however, said in the statement. “With the winter on the way, we must ensure adequate shelter and food security, particularly for more than 80,000 families.” “But present conditions are a concern.” Since the end of September, fuel in short supply has impeded progress,” he said. Meanwhile, the Humanitarian Country Team is urging a quick resolution to the fuel shortage so that winter goods can be quickly delivered to vulnerable households. "This massive logistical undertaking can be achieved. But the lack of fuel is significantly affecting distribution of goods," McGoldrick said. Meanwhile, the Food and Agriculture Organization of the United Nations (FAO) said that it continues to support the government-led efforts to address food security and livelihood needs in the six most-quake hit districts--Sindhupalchok, Nuwakot, Dhading, Gorkha, Rasuwa and Dolakha. Issuing a press release statement on Sunday, FAO said that six months after the earthquakes, vulnerable farmers in the worst-affected districts still need agricultural inputs to continue the rehabilitation and reconstruction process and revive the agricultural sector. The press release stated that FAO has already completed an emergency distribution of 42,000 5kg bags of rice seed in advance of the monsoon planting season, adding that it has also distributed 30,000 durable grain and seed storage bags, with 40,000 more to follow, and nearly 20,000 25kg bags of high-nutrition animal feed.

Published: 25-10-2015 16:14

Annex-7
Press Note Issued by UNICEF

UNICEF: Over a Million of Nepali Children's Education at Risk

"We are seriously concerned that the future of millions of children in Nepal are being put being pit in a jeopardy with the current situation in the country".

"Children, particularly in the Southern Terai plains and the mountain districts in central and central-eastern parts of the country that were hardest hit by the earthquakes earlier this year, have been highly affected by the current situation".

"One of the most apparent impacts has been on children's access to education. Across the country in the last six months following the earthquakes, schools have remained open for about half the number of days they were meant to be open. In the nine districts in the central and eastern plains alone, closure of schools over the last two months has affected the education of more than 1.6 million children. IN the past six months, schools in Parsa district remained open only for 5 days instead of the stipulated 122 days".

"Also schools that were closed for five weeks in the aftermath of the earthquake in the affected districts have been trying to make up for lost academic days by opening during holidays. However, many of them have also been affected due to the current situation. Global experiences have shown that when children are out of school for an extended period of time, there is a risk that they may never come back and drop out of school altogether".

"In order to make up for lost teaching hours, many schools in the Terai are restoring to running classes covertly. Children are going to school in the early morning hours without wearing school uniforms so as not to be identified as students. It is extremely sad that children no over way than studying 'undercover'. Regardless of situations, reasons and backgrounds, all children have distinctive rights of their own as individual human beings that adults cannot and must not violate as the same human beings. The right to education is one of the most important of all. The fact that children are going to schools without wearing uniforms in the current
situation also pushes them into further jeopardy of being caught up in disturbances”.

"UNICEF appeals to all to seriously regard children as a Zone of Peace who must be free from the impact of political tension, unrest and conflict as it has been agreed in Nepal many times earlier since 2003. We adults have a clear obligation to show the younger generation what our society values, setting positive examples on important principles-related matters such as the right to unhindered access to education, anytime, everywhere”.

We owe it to children to prove that the commitments we adults have made for them do not stay only on paper. Let us work together to translate them into actions and reality. Let us work together to provide children an atmosphere free from violence, stress, fear and dearth. Let us work together to enable them to grow up as healthy and capable citizens of Nepal.”

Sd.
Romoo Hozumi
Representative
UNICEF Nepal

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For further information, please contact: Rupa Joshi, Chief, Communication Section; Ph.9851054140
Let Us Make 'Children as Zone of Peace' a Reality”
15 September 2015, Kathmandu

On the National Children’s Day of Nepal, UNICEF wishes all the girls and boys in the country a very bright, happy and peaceful future. Today, we wish for a Nepal in which children from the plains to the hills and the mountains can grow up to their fullest potential without fear and sorrow.

On the day that commemorates the ratification of the UN Conventions on the Rights of the Child by Nepal, UNICEF urges all groups and individuals in the society to honour the commitments the country has made to protect the lives and wellbeing of all children. In 2006, following the cessation of armed conflict, a number of political parties had come together and committed to “put children first” in setting their vision for Nepal as they embarked on the development of a new Constitution. Together, they had pledged to “Protect every child from conflict, violence, exploitation and abuse by building protective systems that address all types of child rights violations,” and “Ensure that children are not misused for political purposes by any party, and ensure that schools remain zones of peace” by signing the “Joint Declaration of Commitment to Children by the Political Parties of Nepal”

In the past three weeks, three children - an 18-month-old toddler in Kailali District, and boys aged 15 and 13 years in Dhanusha District - lost their lives as they got caught up in the crossfire of violence. Another 12-year-old is currently missing in Dhanusha District. It is clear that “Children as Zone of Peace” as envisaged in the commitments made in 2006 has not been realised.

Every death is one too many. The killing of children, who are at the threshold of life poised to take off into adulthood and particularly vulnerable, is shocking and inexcusable. UNICEF urges all organisations and individuals to fulfill the commitment Nepal has made to Children as Zones of Peace by translating it into reality.

The current situation has also impacted the lives of thousands of other boys and girls across the southern plains. Over the past weeks, hundreds of thousands of children in 22 districts have been deprived of their rights to education as they have not been able to access schools. These boys and girls have no other alternative than staying at home and missing out on learning opportunities. This
period without school has meant a major disruption to their studies and has been highly stressful, too.

Global experience has shown that when children are out of school for an extended period of time, the risk of their dropping out of schooling altogether increases substantially. In a country that has shown remarkable progress in getting more and more children into schools, the current situation could unravel the progresses of the past decades.

In this regard, UNICEF heartily welcomes the agreement reached locally in Kailali District to allow schools to open unhindered so that children’s education is not disrupted. We urge the local authorities and the concerned groups in other districts of central and eastern Terai to follow the initiative shown by Kailali District that respects Children as Zones of Peace and allows schools to re-open their doors to the students. UNICEF urges all parties to keep schools free of politics and conflict, and also ensure that students and teachers are provided with safe corridors to go to school. Parents need to feel confident to send their children to school, knowing that they will come home safely at the end of the day.

On Children’s Day, let all of us work together to make Children as Zone of Peace a reality.

*Tomoo Hozumi*
*Representative*
*UNICEF Nepal*

For further information, please contact: Rupa Joshi, Chief, Communication Section; Ph: 98510 54140
Dear Journalist friends,

Tarai liberation fight has reached its height with the tireless efforts of the indigenous people of tarai, but unfortunately, some deceptive and cunning leaders of tarai are going to make our fight for our right directionless uniting with the Pahadi (mountain people) in the name of dialogue. Making the people fool, for the sake of personal benefit, they have been betraying the fight of the indigenous people of tarai being in greed of position and money.

Being aware of the devotee and agent of the pahadi people who make the people fool, we have to lift our movement to the new height and refusing to these agents, we have to be immediately committed to the followings:

1) We should chase mountain people from tarai forever using the domestic weapons.
2) Dialogue is deception, talk for autonomous tarai, a separate country.
3) Destroy the police stations located in tarai.
4) Remove the boards put by mountain people and put the board of the tarai government.
5) With the flag of Nepal, burn the daura suruwal of the mountain people.

With Independent Salute, (Jwala Singh)  
President and Supreme Army Commander (Democratic Tarai Liberation Front)  
Date: 31/08/2015  
Note: Agents are defaming the front issuing fake statements so this handwritten statement has been issued.
United Democratic Madheshi Front  
National Muslim Struggle Coalition  
Rautahat  

Date: 03/09/2015  

Letter No.  
Record No.  

Subject: Civil disobedient movement.  

To ..........FM  
Gaur, Rautahat  

Madheshi, Tharu, Muslim, Dalit, Women and others; who have been the victim of discriminatory polices prevailing from hundreds of years, have been struggling nationwide for the protection of their rights in the Constitution to be made. Autocratic rulers have declared Rautahat district as violent zone unconstitutionally and in the power of weapons killing agitating youths, students, including women inhumanly and as created the environment of fear. We request to end the environment of fear and restore peace by removing repressive police units within 48 hours.  

We further request all the residence of Rautahat, the house owner who had rented their house for police in capital Gaur and other district, within 48 hours take out them from their house and help in 'civil disobedient movement' by social exclusion of inhumanitarian killer of our brothers and sisters such repressive killer police.  

Haji Jikarulla ....Nural Saikh Jamshed Babulal Sam Niwas  
Jodi Hodi Shah Yadav  
Mediator Chairman Chairman Chairman Chairman  
Annex-9

Correspondences by the National Human Rights Commission Nepal

राष्ट्रीय मानव अधिकार आयोग
National Human Rights Commission, Nepal

Central Office
Harihar Bhawan, Pulchowk, Lalitpur, Nepal

Letter No.
Date:-28/09/2015

Ref. No. International Treaty Monitoring

To

The Ministry of Home
Singhadurbar, Kathmandu.

Subject:- In relation to provide details.

In relation to the subject matter that, the Commission requires detail information of deceased and injured persons (security personnel and demonstrators) during the protest and demonstration in relation to demarcation of boundaries of Federal States mentioned in the draft Constitution. Therefore, it is requested to provide the details including full name and address of such persons in the Commission within five days.

Badri Prasad Subedi
Human Rights Officer
International Treaty Monitoring Division
Letter No.
Date:-28/09/2015
Ref. No. /International Treaty Monitoring
To
The Secretariat of Joint Democratic Madheshi Front
Bijuli Bazar, Kathmandu.

Subject:- In relation to provide details.

In relation to the subject matter that, the Commission requires district wise information of deceased and injured persons (security personnel and demonstrators) during the protest and demonstration in relation to demarcation of boundaries of Federal States mentioned in the draft Constitution organized by various parties including the Front. Therefore, it is requested to provide the details including full name and address of such persons in the Commission within five days.

Badri Prasad Subedi
Human Rights Officer
International Treaty Monitoring Division
Annex-10
Some Photographs Related to the Report

NHRC Commissioners discussing with the Tharuwan/Tharuhat Leaders

NHRC Commissioners discussing with the leaders of Joint Democratic Madhesi Front
NHRC Commissioners discussing with the heads of the security agencies about human rights situation, peace and security during the agitation

Interaction Program organized in the context of agitation
Cadres and supporters of Joint Democratic Madheshi Front in demonstration

The monitoring team headed by the NHRC Commissioner collecting information with security personnel
NHRC team monitoring demonstration

NHRC Team collecting information form cadres of Joint Democratic Madhesi Front in Siraha
Demonstrators set ablaze on the vehicle of Member of the Parliament from Nepali Congress Party

Public bus destroyed by the demonstrators in Siraha district